

# **Wisconsin Ethics Board**

## **2003 Annual Report**



State of Wisconsin Ethics Board  
Annual Report for Fiscal Year 2003

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## Letter from the Director

Wisconsin's Ethics Board continues to lead the nation in the effective administration of lobbying laws and standards of conduct for state government officials.

Following its fifty state review of ethics laws, the Chicago based Better Government Association ranked Wisconsin first in its public integrity index. The Center for Public Integrity identified Wisconsin's lobbying law as among the nation's very finest.

The Council of State Governments gave special recognition to Wisconsin's award-winning program for the regulation of lobbying and brought the program to the attention of the nation's state legislators by its publication of an article describing the innovative approach of the Wisconsin Ethics Board. [*Spectrum: The Journal of State Government*, winter 2003]

The Board's quest for enactment of a "pay to play" bill was a success. The new legislation forbids an official of Wisconsin's government to take an official action or refrain from taking an official action in consideration of a campaign contribution.

The Board continued its efforts to address issues before they become problems. To this end the Ethics Board, over the past year has presented seminars on ethical standards for government officials to legislator, newly elected to the 2003 Legislature and to members of the Governor's cabinet and their key aides. The Board has continued its annual presentation on ethical standards to judges at the state's judicial college.

This fiscal year the Ethics Board has furthered Wisconsin's tradition of clean and open government by providing prompt and definitive advice, educational programs, and clear and consistent application of legal requirements.

The Board continues to seek out and pursue better ways to provide information about standards for government officials and the lobbying interests that try to influence them. The Board's use of technology allows anyone to learn who is paying whom to influence what legislation.

Even though already highly acclaimed, the Wisconsin Ethics Board will continue to set the standard. Just watch us.

*Roth Judd*

Roth Judd, Director

## Composition of the Board

Unlike many states that have created bipartisan commissions, Wisconsin is probably unique in insisting that its Ethics Board be nonpartisan. By statute, a member of the Ethics Board may not be a member of a political party or be affiliated with a partisan club or organization. A member may not hold any other office or employment in either state or local government. The Board is widely and highly regarded as free from partisan infighting. This has given its judgments credibility. Moreover, officials seeking advice about their own conduct readily turn to the Board knowing that in doing so they are not revealing confidences to partisan opponents.

### Members

**James R. Morgan**, *Chair*  
**Paul M. Holzem**, *Vice Chair*  
**David L. McRoberts**, *Secretary*  
**Joanne R. Orr**, *Ethics Board Member*  
*(resigned May 2003)*  
**Dorothy C. Johnson**, *Ethics Board Member*  
**Gordon B. Baldwin**, *Ethics Board Member*  
*(resigned January 2003)*

### Staff

**Roth Judd**, *Director*  
**Jonathan Becker**, *Legal Counsel*  
**Erik Hayko**, *Lobbying Administrator*  
**Mary Hemp**, *Administrative & Program Support*  
*(resigned December 2002)*  
**Helena Huddleston**, *Administrative Services Manager*  
**Jackie Seigel**, *Compliance Specialist*  
*(resigned December 2002)*  
**Carol Wibralski**, *Financial Disclosure Administrator*

Please refer to the corresponding section in the appendix for supplemental materials

## Mission

The Ethics Board's mission is to further Wisconsin's tradition of clean and open government through its administration of Wisconsin's ethics code and lobbying law. The purposes of these laws are to:

- Improve standards of governmental service.
- Strengthen citizens' confidence in the integrity of their state and local governmental officials
- Help preserve the integrity of the governmental decision-making process.
- Promote a full and fair opportunity for citizens to address governmental officials, either directly or through paid representatives, on the merits of issues.

## Statement of Principles

In carrying out its mission, the Board strives to:

- Administer Wisconsin's ethics code and lobbying law in a manner warranting the highest degree of public confidence in the Board's integrity, efficiency, fairness and non-partisanship.
- Administer the laws without delay and with great courtesy.
- Adhere to the meaning of the statutes entrusted to it without adopting a strained construction, and apply the laws in a reasonable, practical manner.
- Be vigorous without overreaching in requiring compliance with the law

## Goals

➤ ***Foster ethical conduct***

Improve governmental officials', lobbyists' and lobbying organizations' knowledge of the ethics code and lobbying law.

➤ ***Provide authoritative and timely advice***

Respond authoritatively with timely advice regarding the application of the ethics code and lobbying law.

➤ ***Identify interests influencing government***

Identify for the public the businesses and organizations attempting to influence governmental decisions, the issues in which they have an interest, and other pertinent information.

➤ ***Identify conflicting interests***

Provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention.

➤ ***Enforce statutory requirements***

Investigate possible violations of the ethics code and lobbying law when circumstances warrant.

➤ ***Educate the public***

Educate the public about standards of conduct for governmental officials and lobbyists and compliance with those standards.

➤ ***Review Statutes***

Regularly review statutes, rules, and proposed legislation for their compatibility with furtherance of the Ethics Board's mission.

➤ ***Foster commitment to vision and goals***

Maintain a competent, enthusiastic board and staff, sharing a common vision and goals.

➤ ***Use resources effectively***

Effectively use personnel, financial and technological resources to enable the Board to excel at fulfilling its mission and goals.

## Responsibilities of the Board

### Subchapter III, Chapter 13, *Wisconsin Statutes*

#### WISCONSIN'S REGULATION OF LOBBYING

Each lobbyist and each organization that employs a lobbyist must register once during the Legislature's 2-year term. The organization identifies to the Ethics Board each bill, rule, topic, and budget subject it intends to try to influence (within 15 days of its first lobbying communication on that item). For each 6-month period a lobbyist's employer reports to the Board the time and money it devoted to lobbying-related activities. The report identifies the portion of the organization's total lobbying-related time associated with each bill, rule, topic, and budget subject on which the organization hoped to influence action and accounts for all lobbying expenditures including costs of research, studies, and compilation of statistics, costs of encouraging citizens to communicate views to state officials, and compensation paid to lobbyists.

- During the 2001-2002 legislative session
  - 678 organizations registered as LOBBYING PRINCIPALS
  - 793 individuals obtained licenses to be LOBBYISTS
  - LOBBYING PRINCIPALS reported spending 445,426 hours on lobbying
  - LOBBYING PRINCIPALS reported spending \$46,676,912 on lobbying
  - LOBBYING PRINCIPALS reported spending:
    - 16% of their time (71,753 hours) lobbying on the biennial budget;
    - 29% of their time (129,553 hours) lobbying on other legislative proposals;
    - 2% of their time (11,009 hours) lobbying on administrative rule-making
    - 28% of their time (124,515 hours) lobbying on topics of lobbying communications not yet assigned a bill or clearinghouse rule number
- During the first six months of the 2003-2004 legislative session (through June 30, 2003)
  - 621 organizations registered as LOBBYING PRINCIPALS
  - 692 individuals obtained licenses to be LOBBYISTS
  - LOBBYING PRINCIPALS reported spending 137,849 hours on lobbying
  - LOBBYING PRINCIPALS reported spending \$14,071,153 on lobbying
  - LOBBYING PRINCIPALS reported spending:
    - 36% of their time (47,844 hours) lobbying on the biennial budget;
    - 19% of their time (26,709 hours) lobbying on other legislative proposals;
    - 1% of their time (1,760 hours) lobbying on administrative rule-making
    - 21% of their time (28,824 hours) lobbying on topics of lobbying communications not yet assigned a bill or clearinghouse rule number

**Please refer to the corresponding section in the appendix for supplemental materials**

## **Responsibilities of the Board**

### **Subchapter III, Chapter 19, *Wisconsin Statutes***

### **WISCONSIN'S CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES**

Except in limited, well-defined instances, a Wisconsin official may not accept a meal or travel or gift offered because of the official's public position; and neither a lobbyist nor an organization that employs a lobbyist may furnish anything of value to any state official or employee unless it is furnished to the general public under like circumstances. The result is a straightforward rule that is easy to understand, to remember, and to administer. The Wisconsin rule is free from what can be confusing exceptions and reporting formulas encountered in other jurisdictions. The whole system benefits from a freedom from bureaucracy, paperwork, and reports because there are few payments to officials to be reported. Lobbyists know they can speak to officials about the issues on their merits without fear that other interests are purchasing access to the official.

**STANDARDS OF CONDUCT.** The thrust of Wisconsin's Ethics Code is to forbid a state official from using public position to obtain anything of more than insignificant value for the private benefit of the official, the official's family, or the official's business. In addition, specific provisions prohibit an official's representation of a client before a state agency and limit an official's representation of private interests before the official's former agency during the first 12 months after leaving office.

Wisconsin's lobbying law forbids lobbyists and the organizations that employ them to furnish anything of value to a state official or employee except in a limited number of well-defined circumstances.

**STATEMENTS OF ECONOMIC INTERESTS.** Most state government officials and candidates for election to state offices file Statements of Economic Interests for public inspection at the time they enter the public arena and update them annually. Creditors, investments, real estate, and names of commercial clients are identified, but not amounts. The idea is to identify to which business and individuals an official is tied financially, not to discourage people from government service because of wealth or lack of it. The Board has reported a 100% compliance rate for several years.

**Please refer to the corresponding section in the appendix for supplemental materials**



## Responsibilities of the Board

### Jurisdiction and Investigations

**JURISDICTION.** Wisconsin is one of the few jurisdictions to apply its statutory standards of conduct to officials of all 3 branches of government. But the legislature chose not to extend the state's ethics code to all of the state's employees, electing instead to apply the Ethics Code only to Wisconsin's key policy makers and executives, a group comprising officials chosen in state-wide elections, legislators, judges, all of the governor's appointees including members of citizen boards, and agency executives. These key officials are, in turn, responsible for maintaining high standards of conduct within the offices and agencies they direct. As of August of 1992 the legislature has expanded the Ethics Code to include local officials.

**INVESTIGATIONS.** The Ethics Board may investigate possible violations of the Ethics Code and lobbying law whenever circumstances warrant and may file complaints alleging violations whenever it concludes there is probable cause to do so.

**Please refer to the corresponding section in the appendix for supplemental materials**

## Responsibilities of the Board

### Advice

Advising government officials and others about their own conduct has been the Board's primary function. As an inducement to officials and others to obtain advice before an issue becomes a problem the legislature has created specific exceptions to Wisconsin's otherwise stringent open records and open meetings laws. Officials may pose questions to the Board about their own conduct knowing that both their inquiry and the Board's reply will remain confidential unless the requestor makes the correspondence public. An official or lobbyist who seeks and relies on the Board's advice is immune from later charges of misconduct. The Board publishes summaries of these opinions after modifying them so as not to identify anyone associated with the request. These published summaries are good indicators of the nature of questions posed and demonstrate that the Board gives like advice to like questions.

**Please refer to the corresponding section in the appendix for supplemental materials**

## 2002-2003 Accomplishments

### **GOAL 1: *FOSTER ETHICAL CONDUCT***

**Foster ethical conduct of governmental officials, lobbyists, and lobbying organizations.**

- ♦ Enhanced the Board's effectiveness in educating government officials, lobbyists and lobbying organizations with respect to: standards of conduct; ethical issues; interests influencing government and enforcement activities.
- ♦ Conducted training for newly elected legislators on application of lobbying laws and standards of conduct for state officials
- ♦ Presented ethics training at 2002 Judicial College (all of the state's judges complete this training at least once every six years)
- ♦ Presented ethics training for cabinet secretaries and their key appointees

### **GOAL 2: *PROVIDE AUTHORITATIVE AND TIMELY ADVICE***

**Give timely advice on questions about the application of the ethics code and lobbying law.**

- ♦ Continued to meet or improve the timelines of responses to oral and written requests for advice and to ensure that the Board's decisions are reasonable and consistent.

### **GOAL 3: *IDENTIFY INTERESTS INFLUENCING GOVERNMENT***

**Identify for the public the businesses, organizations, and individuals attempting to influence governmental decisions, the issues in which they have an interest, and other pertinent information.**

- ♦ Began procedure to adopt a rule that will require lobbying organizations to identify very early in the rulemaking process the specific rules the organization will try to influence
- ♦ Enhanced dissemination of information about interests in proposed legislation and rules.
- ♦ Offered a subscription service for providing customized lobbying information.

### **GOAL 4: *IDENTIFY CONFLICTING INTERESTS***

**Provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention.**

- ♦ Initiated a program to provide indexes to the financial interests held by the officials of each agency
- ♦ Facilitated official's completion of their statements of economic interests by providing them with forms already containing information they previously filed.

### **GOAL 5: *ENFORCE STATUTORY REQUIREMENTS***

**Investigate possible violations of the ethics code and lobbying law and seek appropriate remedies or exoneration as circumstances warrant.**

- ♦ Improved systems to guide, facilitate, and document the course of investigations.

### **GOAL 6: *FOSTER AN INFORMED PUBLIC***

**Provide the public with information about standards of conduct for governmental officials and lobbyists, lobbying efforts, and the Ethics Board's activities.**

- ♦ Implemented ways by which the Board can more effectively inform the public of: enforcement activities; positions on ethical issues; and interests influencing government.

**GOAL 7: *REVIEW STATUTES***

**Attempt to assure that statutes, rules, and proposed legislation are consistent with the furtherance of Wisconsin's tradition of clean and open government.**

- ♦ Supported "pay to play" legislation, now enacted, that forbids a state official to take or refrain from taking official action in consideration of a campaign contribution
- ♦ Regularly reviewed the ethics code and lobbying law to determine whether they achieve their stated purposes and, if appropriate, seek modifications.
- ♦ Identified and commented upon the effect that proposed statutes or rules would have on the Board's mission.

**GOAL 8: *FOSTER COMMITMENT TO VISION AND GOALS***

**Maintain a competent, enthusiastic board and staff, sharing a common vision and goals.**

- ♦ Held weekly staff meetings to learn from recent events and to prepare to address coming events and issues.
- ♦ Encouraged and facilitated an active and engaged board.
- ♦ Encouraged staff members' collegiality, initiative, and participation in the realization of the Board's mission and goals.

**GOAL 9: *USE RESOURCES EFFECTIVELY***

**Effectively use personnel, financial, and technological resources to enable the Board to excel at fulfilling its mission and goals.**

- ♦ Implemented ways to improve security and storage of Ethics Board's documents.
- ♦ Provided staff with training.
- ♦ Tailored individuals' responsibilities to their abilities and the Board's needs.
- ♦ Continued to provide physical space and location that supports a productive work environment and is readily accessible to officials and lobbyists.
- ♦ Continued to identify new technologies that will, in a cost-effective manner, support the Board's goals.

## 2004-2006 Initiatives

### **GOAL 1: *FOSTER ETHICAL CONDUCT***

**Foster ethical conduct of governmental officials, lobbyists, and lobbying organizations.**

- ♦ Continue to enhance the Board's effectiveness in educating government officials, lobbyists and lobbying organizations with respect to: standards of conduct; ethical issues; interests influencing government and enforcement activities.

### **GOAL 2: *PROVIDE AUTHORITATIVE AND TIMELY ADVICE***

**Give timely advice on questions about the application of the ethics code and lobbying law.**

- ♦ Continue to meet or improve the timelines of responses to oral and written requests for advice and to ensure that the Board's decisions are reasonable and consistent.
- ♦ Implement improvements to the Index of Opinions to facilitate location and citation of precedent.

### **GOAL 3: *IDENTIFY INTERESTS INFLUENCING GOVERNMENT***

**Identify for the public the businesses, organizations, and individuals attempting to influence governmental decisions, the issues in which they have an interest, and other pertinent information.**

- ♦ Implement a system for citizen's voluntary reporting and display of interests in proposed legislation and rules.
- ♦ Continue to enhance dissemination of information about interests in proposed legislation and rules.
- ♦ Investigate, and implement as merited, the use of technologies to make filing and dissemination of lobbying information more convenient and accurate and easier to administer
- ♦ Continue to enhance the subscription service for providing customized lobbying information.

### **GOAL 4: *IDENTIFY CONFLICTING INTERESTS***

**Provide information about governmental officials' financial interests to confirm for the public the absence of conflicting interests or to identify conflicts meriting attention.**

- ♦ Investigate, and implement as merited, the use of technologies to make filing and dissemination of financial information more convenient and accurate and easier to administer.
- ♦ Provide for more effective scrutiny of officials' financial relationships by those in a position to identify conflicts between personal financial interests and governmental responsibilities.

### **GOAL 5: *ENFORCE STATUTORY REQUIREMENTS***

**Investigate possible violations of the ethics code and lobbying law and seek appropriate remedies or exoneration as circumstances warrant.**

Continue to:

- ♦ Improve systems to guide, facilitate, and document the course of investigations.
- ♦ Secure a satisfactory means of paying the costs of investigations and enforcement.

**GOAL 6: *FOSTER AN INFORMED PUBLIC***

**Provide the public with information about standards of conduct for governmental officials and lobbyists, lobbying efforts, and the Ethics Board's activities.**

- ♦ Continue to implement ways by which the Board can more effectively inform the public of: enforcement activities; positions on ethical issues; and interests influencing government.

**GOAL 7: *REVIEW STATUTES***

**Attempt to assure that statutes, rules, and proposed legislation are consistent with the furtherance of Wisconsin's tradition of clean and open government.**

Continue to:

- ♦ Regularly review the ethics code and lobbying law to determine whether they achieve their stated purposes and, if appropriate, seek modifications.
- ♦ Identify and comment upon the effect that proposed statutes or rules will have on the Board's mission.

**GOAL 8: *FOSTER COMMITMENT TO VISION AND GOALS***

**Maintain a competent, enthusiastic board and staff, sharing a common vision and goals.**

Continue to:

- ♦ Hold weekly staff meetings to learn from recent events and to prepare to address coming events and issues.
- ♦ Encourage and facilitate an active and engaged board.
- ♦ Regularly review and refine the Board's vision, goals, and strategies and assess the Board's progress in achieving its goals
- ♦ Encourage staff members' collegiality, initiative, and participation in the realization of the Board's mission and goals.

**GOAL 9: *USE RESOURCES EFFECTIVELY***

**Effectively use personnel, financial, and technological resources to enable the Board to excel at fulfilling its mission and goals.**

Continue to:

- ♦ Implement ways to improve security and storage of Ethic Board's documents.
- ♦ Provide staff with training.
- ♦ Tailor individuals' responsibilities to their abilities and the Board's needs.
- ♦ Provide physical space and location that supports a productive work environment and is readily accessible to officials and lobbyists.
- ♦ Identify new technologies that will, in a cost-effective manner, support the Board's goals.

# Budget and Statistics

July 1, 2002 – June 30, 2003

(unless noted otherwise)

Ethics Board employees	6.5 FTE
Board's operating expenditures	GPR: \$308,100 PR: \$348,600
Number of Board meetings	12
Investigation costs	\$76,504.46

## Lobbying

registrations and licenses are valid for a 2-year legislative session and expire December 31 of even-numbered years

Principals	
2001-2002	678
2003-2004 (through June 30, 2003)	621
Lobbyists	
2001-2002	793
2003-2004 (through June 30, 2003)	692
\$ reported spent on lobbying	
2001-2002	\$46,676,912
2003-2004 (through June 30, 2003)	\$14,071,153
Hours spent on lobbying	
2001-2002	445,426
2003-2004 (through June 30, 2003)	137,849
% of principals complying with lobby reporting requirements	
2001-2002	100%
2003-2004 (through June 30, 2003)	100%

## Statement of Economic Interests

Number of state government officials, nominees and candidates filing Statement of Economic Interests	2,511
Compliance % of officials required to file Statement of Economic Interests	100%

## Enforcement

Total forfeitures, payments or penalties collected by the Board	\$18,972.50
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## Advisory Opinions

opinions are numbered sequentially during a calendar year; what has been provided is the number of opinions for the entire calendar year 2001 and calendar year 2002 through June 30, 2002

Number of advisory opinions issued by the Board in	
2002 (January-December 2002)	8
2003 (through June 30, 2003)	4

Please refer to the corresponding section in the appendix for supplemental materials

## Budget and Statistics

### 7-Year Historical

	<b>1996</b> (7/1/95-6/30/96)	<b>1997</b> (7/1/96-6/30/97)	<b>1998</b> (7/1/97-6/30/98)	<b>1999</b> (7/1/98-6/30/99)	<b>2000</b> (7/1/99-6/30/00)	<b>2001</b> (7/1/00-6/30/01)	<b>2002</b> (7/1/01-6/30/02)
Ethics Board employees	6.5 FTE	6.5 FTE	6.5 FTE	6.5 FTE	6.5 FTE	6.5 FTE	6.5 FTE
Board's operating expenditures	GPR \$188,500 PR \$197,000	GPR \$104,000 PR \$320,500	GPR \$198,600 PR \$255,500	GPR \$204,600 PR \$261,500	GPR \$227,700 PR \$285,900	GPR \$249,300 PR \$306,600	GPR \$264,300 PR \$357,000
Number of Board meetings	5	6	5	6	6	5	9
Investigation costs	\$12,500	\$10,200	\$6,100	\$7,500	\$9,800	\$2,557	\$17,948

### Lobbying

registrations and licenses are valid for a 2-year legislative session and expire December 31 of even-numbered years; numbers have been provided by legislative session

Lobbyists during session	<b>1995-1996</b> 645	<b>1997-1998</b> 642	<b>1999-2000</b> 765	<b>2001-2002</b> 793
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Organizations paying lobbyists during session	<b>1995-1996</b> 599	<b>1997-1998</b> 613	<b>1999-2000</b> 629	<b>2001-2002</b> 678
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\$ reported spent on lobbying	<b>1995-1996</b> \$37,790,243	<b>1997-1998</b> \$41,792,362	<b>1999-2000</b> \$44,405,871	<b>2001-2002</b> \$46,676,912
	<b>1996</b> \$17,206,939	<b>1997</b> \$22,533,044	<b>1999</b> \$25,329,866	<b>2001</b> \$25,194,471
			<b>1998</b> \$19,259,318	<b>2002</b> \$21,482,442

Hrs reported spent on lobbying	<b>1995-1996</b> 524,025	<b>1997-1998</b> 528,787	<b>1999-2000</b> 425,834	<b>2001-2002</b> 445,426
	<b>1996</b> 225,605	<b>1997</b> 292,310	<b>1999</b> 248,950	<b>2001</b> 251,755
			<b>1998</b> 236,477	<b>2002</b> 193,671

**1996**  
(7/1/95-6/30/96)

**1997**  
(7/1/96-6/30/97)

**1998**  
(7/1/97-6/30/98)

**1999**  
(7/1/98-6/30/99)

**2000**  
(7/1/99-6/30/00)

**2001**  
(7/1/00-6/30/01)

**2002**  
(7/1/01-6/30/02)

### Statement of Economic Interest

Number of state government officials, nominees and candidates filing Statements of Economic Interests	2,258	1,968	2,237	2,415	2,303	2,459	2,369
Compliance % of officials required to file Statements of Economic Interests	100%	100%	100%	100%	100%	100%	100%

### Enforcement

Total forfeitures, payments or penalties collected by the Board	\$4,395	\$8,110	\$1,515	\$1,060	\$6,842	\$4,365	\$43,392.50
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### Advisory Opinions

opinions are numbered sequentially during a calendar year; what has been provided is the number of opinions for the entire calendar year

Number of advisory opinions issued by Board	17	21	16	11	4	2	5
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# Appendix

## ABOUT THE ETHICS BOARD

- History of the Board (*Eth 104*)
- Members Since Origin (*Eth 103*)

## GOAL I: FOSTER ETHICAL CONDUCT

- GUIDELINE: Standards of Conduct for State Public Officials, Lobbyists, and Lobbyists' Employers (*Eth 201*)

## GOAL II: PROVIDE AUTHORITATIVE AND TIMELY ADVICE

- GUIDELINE: Opinions of the Ethics Board (January-December 2002) (*Eth 312*)
- GUIDELINE: Opinions of the Ethics Board (January-June 2003) (*Eth 313*)

## GOAL III: IDENTIFY INTERESTS INFLUENCING GOVERNMENT

- GUIDELINE: The 3 R's of Lobbying in Wisconsin (*Eth 510*)
- State Agencies' Liaisons to the Legislature (*Eth 532*)

## GOAL IV: IDENTIFY CONFLICTING INTERESTS

- GUIDELINE: Statements of Economic Interests for State Public Officials, nominees and candidates for public office (*Eth 401*)
- GUIDELINE: Statements of Economic Interest, Officials Required to File (*Eth 402*)
- GUIDELINE: Statements of Economic Interest and Other Reports, Compliance and Review (*Eth 412*)

## GOAL V: ENFORCE STATUTORY REQUIREMENTS

- GUIDELINE: Complaints and Investigations under Wisconsin's Ethics Code and Lobbying Law (January-December 2002) (*Eth 635*)
- GUIDELINE: Complaints and Investigations under Wisconsin's Ethics Code and Lobbying Law (January-June 2003) (*Eth 636*)

## GOAL VI: EDUCATE THE PUBLIC

- Education Summary
- Bi-weekly Schedule of E-mails

## GOAL VII: REVIEW STATUTES

- Legislative History 2001-2002: Ethics Code and Lobbying Law (*Eth 125*)
- Legislative History 2003-2004: Ethics Code and Lobbying Law (January-June 2003) (*Eth 126*)
- STATUTES: Regulation of Lobbying (*Eth 702*)
- STATUTES: Code of Ethics for Public Officials and Employees (*Eth 701*)

**Wisconsin  
Ethics Board**

**2003 Annual Report**

**APPENDIX**

**ABOUT THE ETHICS BOARD**



# Wisconsin Ethics Board

The Ethics Board was created by the Laws of 1973. Those Laws also created the Code of Ethics for Public Officials and Employees which the Ethics Board has administered since that time. 1989 Act 338 transferred administration of the lobbying law from the Office of the Secretary of State to the Ethics Board. Both the Ethics Code and the lobbying law have undergone continual amendment since their creation.

The Laws of 1977 revised virtually every aspect of the Ethics Code, clarifying and strengthening the standards of conduct to which state officials are held, requiring officials to identify publicly more information about personal financial interests than was previously necessary, and facilitating the Code's enforcement. The Laws of 1977 applied to all elected state officials in Wisconsin, officials of the University of Wisconsin, and gubernatorial appointees. Since then, the Legislature has extended application of the Ethics Code to include municipal judges, members of Vocational, Technical and Adult Education district boards, as well as the directors of those boards and the directors' assistant, associate, and deputy district directors; municipal judges; division administrators in the classified civil service, members of various authorities, and nonclerical employees of legislative service agencies. The legislature has also increased the penalties for code violations, and made it easier to prove a violation by changing the standard of proof from proof "beyond a reasonable doubt" to proof by "clear and convincing evidence".

Lobbying in Wisconsin has been a regulated activity since 1858. The first law regulating lobbying prohibited giving or accepting compensation for employment as a lobbyist contingent on the success or failure of legislation and required all lobbyists to identify themselves and their employers to legislators. Laws of 1899 established a lobby registry that further required identification of subjects of lobbying and regular reports of expenses received in connection with lobbying activities. In 1905, personal, direct attempts by paid lobbyists to influence legislators, other than through appearing at committees, public addresses, or broadly disseminated writings was prohibited. This prohibition continued until 1947. Laws of 1947 for the first time required lobbyists to obtain licenses and prohibited attempting to influence votes by promises of support or opposition at future elections or engaging in any practice which might reflect discredit on the practice of lobbying, or the Legislature. Laws of 1957 created the predecessor of the current prohibited practice section of the law. Major revisions of the lobbying law occurred both in 1965 and 1977 further refining registration, licensing and reporting requirements and the prohibited practices section. 1977 Act 278 gave lobbying law enforcement power to the Secretary of State. 1989 Act 338 transferred administration and enforcement of the lobbying law to the Ethics Board, greatly expanded expenditure reporting requirements, and clarified some prohibited practices. 1997 Act 186 required organizations that employ lobbyists to identify to the Ethics Board the bills, rules, and budget topics in which they are interested within 15 days of their first lobbying communication on each matter. 1999 Act 9 extended this reporting requirement to subjects of lobbying not yet assigned a bill or rule number.

1991 Act 39 extended state-wide standards of conduct to the officials of Wisconsin's counties, cities, villages, towns, school boards, and other local governmental units. Local officials may seek guidance about the standards' application to specific facts from their municipal lawyer. Municipal lawyers may, in turn, obtain legal advice from the Wisconsin Ethics Board. Enforcement is assigned to the district attorney of each county.

# Wisconsin Ethics Board

David L. McRoberts	May 1987 to May 2005
Dorothy C. Johnson	December 1993 to May 2004
Joanne R. Orr	October 1991 to May 2003
James R. Morgan	November 1980 to May 2001*
Paul M. Holzem	May 1988 to May 2000*
Gordon B. Baldwin	April 2000 January 2003
Robert G. Borgwardt	April 1991 to October 1999
Thomas S. Smith	October 1973 to April 1993
Diane B. Conway	May 1985 to October 1991
Joseph F. Flanagan	March 1986 to June 1991
Marion C. Viste	January 1976 to May 1988
Freddie L. Wright	April 1983 to May 1987
Dorothy W. Austin	May 1984 to January 1986
Robert G. Borgwardt	January 1981 to May 1985
Gerald P. Boyle	June 1978 to May 1984
Richard F. Mooney	October 1974 to December 1982
Annrita Lardy	October 1973 to January 1981
Wilber G. Katz	April 1977 to May 1979
Grace McDonald	October 1973 to June 1978
Naseby "Pete" Rhinehart	October 1973 to October 1975
Gerald J. Boileau	October 1973 to April 1975
James L. McCamy	October 1973 to August 1974

\* Date term expires. A member continues to hold office until a successor is nominated and, with the Senate's consent, appointed.

**Wisconsin  
Ethics Board**

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**APPENDIX**

**GOAL I  
FOSTER ETHICAL CONDUCT**



# Standards of Conduct

## for State Public Officials, Lobbyists, and Lobbyists' Employers

### **A STATE PUBLIC OFFICIAL SHOULD NOT:**

***ACT OFFICIALLY IN A MATTER IN WHICH PRIVATELY INTERESTED.*** Take any official action in a matter in which (a) the official's action could reasonably be expected to produce a substantial benefit for the official, a member of his or her immediate family, or an organization with which the official is associated or (b) the official or a member of his or her immediate family, or an organization with which the official is associated has a substantial interest. [§19.46, *Wisconsin Statutes*]

***USE PUBLIC POSITION FOR PRIVATE BENEFIT.*** Use his or her public position to obtain financial gain or anything of substantial value for the public official, a member of his or her immediate family, or an organization with which he or she is associated. [§19.45(2)]

***ACCEPT TRANSPORTATION, LODGING, FOOD, OR BEVERAGE EXCEPT AS SPECIFICALLY AUTHORIZED.*** Accept or retain transportation, lodging, meals, food or beverage except (a) payment of expenses for talks and meetings about state government, (b) items and services offered for reasons unrelated to public office, as long as not furnished by a lobbyist or by a lobbyist's employer, (c) items provided by or to the state, or (d) items from a campaign committee under chapter 11. [§19.45(3m)]

***SOLICIT OR ACCEPT REWARDS OR ITEMS OR SERVICES LIKELY TO INFLUENCE.*** Solicit or accept, directly or indirectly, anything of value if it could reasonably be expected to influence an official's action or inaction or could reasonably be considered as a reward for any action or inaction. [§19.45(3)]

***USE CONFIDENTIAL INFORMATION.*** Intentionally use or disclose confidential information which could result in the receipt of anything of value. [§19.45(4)]

***USE PUBLIC POSITION TO OBTAIN UNLAWFUL BENEFITS.*** Use or attempt to use his or her public position to influence or gain, for anyone, unlawful benefits, advantages or privileges. [§19.45(5)]

***ENTER INTO PUBLIC CONTRACTS WITHOUT NOTICE.*** Enter into a contract or lease involving the payment of more than \$3,000 in a 12-month period, in whole or in part derived from state funds, unless written disclosure is made to the Ethics Board and applicable state agency. This prohibition extends also to any organization in which the official has a 10% or greater interest. [§19.45(6)]

***CHARGE A FEE TO REPRESENT A PERSON BEFORE A STATE AGENCY.*** Represent a person or organization for pay before a state agency, except in nondiscretionary matters, at open hearings at which stenographic records are kept, in contested cases which involve parties other than the state with interests adverse to those represented by the state public official, or in matters before the Department of Revenue or the Tax Appeals Commission in connection with a client's tax matter. This restraint does not apply to unsalaried public officials. [§19.45(7)]

**AN ELECTIVE STATE OFFICIAL, AN AGENCY OFFICIAL, A LEGISLATIVE EMPLOYEE, OR CANDIDATE FOR ELECTIVE STATE OFFICE SHOULD NOT:**

**ACCEPT ANYTHING OF PECUNIARY VALUE FROM A LOBBYIST OR FROM A LOBBYIST'S EMPLOYER.** Normally solicit or accept anything of pecuniary value from a lobbyist or from an organization that employs a lobbyist. [§13.625(3)]

**A LOBBYIST SHOULD NOT:**

**FURNISH ANYTHING OF PECUNIARY VALUE TO A STATE OFFICIAL.** Furnish anything of pecuniary value to an elective state official, agency official, legislative employee, or candidate for elective office. [§13.625(1)(b)]

**INSTIGATE LEGISLATION.** Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto. [§§13.625(1)(a)]

**MAKE COMPENSATION CONTINGENT ON LEGISLATIVE ACTION.** Contract to receive compensation dependent in any manner upon the success or failure of any legislative or administrative action. [§13.625(1)(d)]

**MAKE CERTAIN CAMPAIGN CONTRIBUTIONS EXCEPT DURING PRESCRIBED PERIOD.** Contribute to the campaign of a partisan elected state official or candidate for partisan elective state office, except between June 1 and the day of the general election in even-numbered years and, even then, to a candidate for the legislature only if the legislature is not in session. [§13.625(1)(c)]

**A LOBBYIST'S EMPLOYER SHOULD NOT:**

**FURNISH ANYTHING OF PECUNIARY VALUE TO A STATE OFFICIAL.** Furnish anything of pecuniary value to an elective state official, agency official, legislative employee, or candidate for elective office. [§13.625(1)(b) and (2)]

**MAKE CERTAIN CAMPAIGN CONTRIBUTIONS EXCEPT DURING PRESCRIBED PERIOD.** Contribute to the campaign of a partisan elected state official or candidate for partisan elective state office, except between June 1 and the day of the general election in even-numbered years and, even then, to a candidate for the legislature only if the legislature is not in session. [§13.625(1)(c) and (2)] This restriction does not apply to contributions made by a political committee under ch. 11, *Wisconsin Statutes*.

**A FORMER STATE PUBLIC OFFICIAL (OTHER THAN A LEGISLATOR OR LEGISLATIVE EMPLOYEE) SHOULD NOT:**

**COMMUNICATE WITH FORMER AGENCY FOR 12 MONTHS AS PAID REPRESENTATIVE.** Represent, for compensation, any person other than a governmental entity before his or her former agency within 12 months after leaving the agency.

**COMMUNICATE WITH ANY AGENCY FOR 12 MONTHS ON MATTERS RESPONSIBLE FOR.** Represent, for compensation, any person other than a governmental entity before any agency within 12 months after leaving public office on a matter under the former official's responsibility.

**ACT ON BEHALF OF ANY PARTY OTHER THAN THE STATE.**

Represent any person other than the state in connection with any proceeding, application, contract, claim, or charge in which the individual was personally and substantially involved as a state public official. [§19.45(8)]

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**APPENDIX**

**GOAL II**

**PROVIDE AUTHORITATIVE AND TIMELY ADVICE**





# Opinions of the Ethics Board

## LOCAL CODE - DISQUALIFICATION

The Ethics Board advises:

As long as the effect of teacher contract negotiations on the salary and benefits provided to school principals is uncertain and conjectural, §19.59 does not restrict a school board member whose spouse is a principal to participate in negotiations with the teachers' union. You have provided evidence that the effect of teacher contract negotiations on principals' salaries and benefits is uncertain and conjectural; however, resolution of your inquiry requires a determination of fact that cannot be made in this opinion. You are in a better position to ascertain this fact.

The school board and superintendent should amend the superintendent's employment contract to remove the provision that ties the superintendent's salary increases to increases provided to district administrators.

2002 Wis Eth Bd 01

## LOCAL OFFICIALS – DISQUALIFICATION

The Ethics Board advises that :

- 1) Under §19.59, *Wisconsin Statutes*, a village trustee whose property abuts property that is the subject of a company's rezoning petition, and who is an employee of the company, should not participate in discussions, debates, or votes on the petition;
- 2) Section 19.59, *Wisconsin Statutes*, is unlikely to restrict a village trustee who is an employee of a company that sells supplies to the company seeking the rezoning to vote on the petition; and
- 3) Section 19.59, *Wisconsin Statutes*, is unlikely to restrict a village trustee who owns a company that, in the past, has done business with the company seeking the rezoning to vote on the petition.

2002 Wis Eth Bd 02

## **LOBBYING LAW**

The Ethics Board advises that §13.625, *Wisconsin Statutes*, prohibits an association that is a lobbying principal to reimburse expenses of a director who is a member of a state board. A director is not an employee of the principal so as to come within the exception in §13.625 (6r).

2002 Wis Eth Bd 03

## **LOCAL CODE – DISQUALIFICATION**

The Ethics Board advises that the effect one contract will have on another is a factual matter. The factual assessment is important but is not one we can make for you. We can, however, equip you with framework for analysis: If the county's contract will provide a significant precedent for a contract in which the supervisor has a personal financial interest, then he should not participate in negotiations, discussions or votes on the former. If the effect of the county's contract on the contract covering the supervisor is merely conjectural or inconsequential, the supervisor may participate in decisions concerning that contract.

2002 Wis Eth Bd 04

## **LOCAL CODE**

The Ethics Board advises that the effect of building a public facility on the value of the official's adjacent property is a factual one. The factual assessment is important but is not one we can make. In the absence of anything other than conjecture about that effect, public policy favors a public official's exercise of official duties. But the official, at his or her discretion, may abstain from participation if the official believes participation is likely to undermine citizen confidence in the county's government. Therefore:

- (1) If building the public facility on adjacent property will, or is reasonably likely to have a financial effect on the official's land, the official SHOULD ABSTAIN from participation in the decision.
- (2) In the absence of any financial effect, the official SHOULD PARTICIPATE; and
- (3) If the effect is conjectural or attenuated, the official SHOULD PARTICIPATE UNLESS, in the official's judgment, to do so would undermine public confidence in the decision or in government.

2002 Wis Eth Bd 05

### **LOBBYING; IMPROPER USE OF OFFICE**

The Ethics Board advises that you are free to commence a lawsuit to challenge the constitutionality of a law and to seek and retain legal counsel to represent you.

We propose that if you want to join the existing lawsuits, you direct a letter to the Court asking that you be permitted to join the plaintiffs as a party or as amicus curiae, representing yourself.

The Board further advises that you not permit a lobbying organization to pay or arrange for legal services for you.

2002 Wis Eth Bd 06

### **LOCAL OFFICIALS**

If a member of a village board participated in the village's decision to hire him to supervise a village project, then he should return the checks he has received and not accept any payment for the services he has provided. If the member of the village board abstained from participating in the village's earlier decision, then §19.59, *Wisconsin Statutes*, permits him to accept payment for the services he has provided.

2002 Wis Eth Bd 07

### **LOBBYING LAW; IMPROPER USE OF OFFICE**

Neither the Ethics Code nor lobbying law appears to restrict a legislator's working as a consultant to a company that is a broker-dealer that assists institutional money managers in identifying investment opportunities.

2002 Wis Eth Bd 08

# Opinions of the Ethics Board

## **IMPROPER USE OF OFFICE; MEALS, LODGING, TRAVEL AND ENTERTAINMENT**

- 1) Consistent with laws it administers, a legislator may participate in a charitable fundraising event that includes golf and a lunch of which the primary beneficiaries are charities with which the legislator is not associated; and
- 2) A legislator should not accept the offer to bring guests or to attend the awards dinner without paying the same amount as members of the public for those activities.

2003 Wis Eth Bd 1

## **LOBBYING LAW**

A legislator should not accept compensation from an organization that employs a lobbyist even for services the legislator has provided to the organization; and

In the case of two affiliated organizations, one employing a lobbyist and the other not, a legislator may accept compensation for services from the latter only if the organization can demonstrate that it acts independently of its affiliate.

2003 Wis Eth Bd 2

## **FEES AND HONORARIUMS; IMPROPER USE OF OFFICE**

For chairing a conference about state government issues, a state public official may accept an award sanctioned, approved, endorsed by, and presented under the auspices of the organization that is sponsoring the conference but may not accept an award from another organization.

2003 Wis Eth Bd 3

## **IMPROPER USE OF OFFICE**

Laws administered by the Ethics Board are not an impediment to the Legislature's reimbursing a legislator for costs the legislator incurred to purchase supplies for his or her legislative office.

2003 Wis Eth Bd 4

## **IMPROPER USE OF OFFICE; LOBBYING LAW**

A state public official may serve as the honorary chair of a charitable event sponsored by a lobbying principal for whom the official will receive no compensation and will pay the cost of dinner and golf.

2003 Wis Eth Bd 5

## **LOBBYING LAW; SOLICITATION**

An employee of the Legislature should not solicit lobbyists or lobbying organizations for contributions to a community organization on whose board the employee sits. Nor should the employee use the status or prestige of office to solicit contributions to the organization.

2003 Wis Eth Bd 6

## **STATEMENTS OF ECONOMIC INTERESTS**

A state employee in the classified service appointed to act as a division administrator is a state public official subject to the substantive requirements of the Ethics Code and is required to file a Statement of Economic Interests.

2003 Wis Eth Bd 7

## **LOCAL CODE - DISQUALIFICATION**

A town chair should not simultaneously participate in town decisions concerning services provided to the town by a company owned by the same individual that owns the company of which the town chair is an employee.

2003 Wis Eth Bd 8

### **LOCAL CODE – DISQUALIFICATION**

A special purpose district should reconsider its vote because a commissioner who voted to distribute a large monetary refund to original members of the district would be a recipient of that sum. In any new vote on the same proposal, the commissioner who would receive the distribution should abstain from any participation in discussion, debate, or vote.

2003 Wis Eth Bd 9

### **IMPROPER USE OF OFFICE; LOBBYING LAW**

Neither a state public official's acceptance of cards for distribution to the public that provide health care information nor the company's furnishing them to the state of Wisconsin will violate Wisconsin's Ethics Code for state officials. This transaction will not subject the company to Wisconsin's lobbying law or otherwise be considered a lobbying expense.

2003 Wis Eth Bd 10

### **IMPROPER USE OF OFFICE**

A state public official may proceed with a plan to have another solicit assistance for operation of the official's agency to the extent, but only to the extent, that the official could undertake the solicitation directly. Whether directly or through another acting at the official's behest, the official may not solicit contributions of money, goods or service either from a lobbyist or from an organization that employs a lobbyist or from anyone if either the contribution or the failure to contribute could reasonably be expected to influence the official's action or judgment or be considered a reward for the official's action or inaction.

2003 Wis Eth Bd 11

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**APPENDIX**

**GOAL III  
IDENTIFY INTERESTS INFLUENCING  
GOVERNMENT**



# The 3 Rs Of Lobbying In Wisconsin

This is an overview of what individuals and organizations need to do to lobby in the State of Wisconsin. For additional information consult the publications cited.

## I. REGISTRATION AND LICENSING

### Registration of Organization Engaged in Lobbying Activities and Authorization of Lobbyists

- Wisconsin Statutes require that an organization that compensates an individual to attempt to influence legislation or agency rules register as a lobbying principal before the fifth day on which the individual communicates with state officials on behalf of the organization. (For more information, see Ethics Board publication 513) In addition, the organization must authorize each individual who is lobbying on the organization's behalf and the individual must obtain a lobby license. The registration and authorization form is usually filed at the same time as the lobby license application; that is, before an individual starts to communicate with state officials on behalf of an organization.
- The registration and authorization are effective upon the Ethics Board's receipt of the registration and authorization form and fee.
- Registration and authorization expire December 31, every even-numbered year.
- **\$375 fee** for the lobbying organization **to register** as a principal.
- **\$125 fee per lobbyist authorized.**

### Lobby License and Authorization

- Wisconsin Statutes require that an individual obtain a lobby license and authorization before the fifth day on which he or she communicates with state officials to attempt to influence legislation or an agency rule on behalf of an organization that pays the individual to do so. (For more information, see Ethics Board publication 511.) The Ethics Board recommends that an individual who anticipates lobbying on more than four days in a six-month period obtain a lobby license and be authorized by a registered lobbying principal *before* engaging in lobbying activities.
- The lobby license and authorization to lobby are effective upon the Ethics Board's receipt of the license application, authorization form, and fees.
- The lobby license expires December 31, every even-numbered year.
- **\$250 fee** to represent one organization, **\$400 fee** to represent multiple organizations.

## II. RESTRAINTS

- **No lobbyist or lobbying organization may furnish anything of pecuniary value** to an elective state official or candidate, agency official, or legislative employee, except that a campaign contribution may be made to an official or candidate during the five months prior to the official's or candidate's election in the November elections. (For more information, see Ethics Board publications 201, 211, and 250.)
- No lobbyist may instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.
- No lobbyist may contract to receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

This is a guide. For authoritative information consult Wisconsin Statutes.

Prepared by the Wisconsin Ethics Board, 44 E. Mifflin St., Suite 601, Madison, WI 53703-2800 (608) 266-8123

Feb 94. Revised 9/01. Obtain updated edition after August 2004.



### III. REPORTING

#### Reporting bills, rules, and topics

- Each lobbying organization must report to the Ethics Board each bill or proposed rule number and each topic on which the organization makes a lobbying communication. Lobbying on the budget bill must be reported by subject. The principal, through an authorized individual, must report the bill, budget subject, rule number, or topic to the Ethics Board within 15 days of the first lobbying communication.
- A lobbying organization may report each bill, budget subject, rule, or topic to the Ethics Board via the electronic reporting tool on the Ethic Board's web site. An organization may also report by e-mail at [ethics@ethics.state.wi.us](mailto:ethics@ethics.state.wi.us), or by mail at 44 East Mifflin Street, Ste 601, Madison, WI 53703-2800.
- To learn who is lobbying on a bill or rule, or to learn what bills, rules, and other topics a particular organization is interested in, visit the Board's website throughout the course of the legislative session. Our web address is -- <http://ethics.state.wi.us>.

#### Principal's Statement of Lobbying Activities and Expenditures

- A lobbying organization files the principal's statement with the Ethics Board twice a year. The filing deadline is July 31 for the January through June reporting period. The filing deadline is January 31 for the July through December reporting period.
- Each lobbying organization maintains a daily itemization of the time its employees spend in lobbying-related activities.
- The organization reports its time and expenditures for lobbying and lobbying-related activities. (For more information, see Ethics Board publications 531 and 533.)
- A *Principal's Statement of Lobbying Activities and Expenditures* will be mailed to each organization before the filing date. As a part of that mailing, the Ethics Board will include a listing of the bills and rules the principal has previously identified.

#### Lobbyist's Portion of Principal's Statement of Lobbying Activities

##### Daily itemization of lobbying time

- Each licensed lobbyist authorized by the organization maintains a daily itemization of the time the lobbyist spends lobbying and engaging in activities related to lobbying.
- The lobbyist completes a time report supplied by the Ethics Board and submits it to the organization prior to the January 31 or July 31 reporting deadline.

Lobbying forms and publications are available at the Ethics Board and on the Board's website -- <http://ethics.state.wi.us>. You may stop by our office, write to us at 44 E. Mifflin St., Suite 601, Madison, WI 53703, call our office at 608-266-8123, or FAX your request to 608-264-9319.

# State Agencies' Liaisons to the Legislature

## CONTENT

Each January and July every state agency identifies to the Ethics Board employees whose normal duties include lobbying the legislature on the agency's behalf. The report also includes:

- **Area of Interest**

The general subject area each employee attempted to influence during the preceding 6-month period and any new areas for the upcoming 6-month period.

- **Percentage of time spent lobbying**

A reasonable estimate of the time each employee spent lobbying on behalf of the agency during the preceding 6 months.

- **Annual state salary**

The annual state salary of each employee named in the report.

## COMPLIANCE HISTORY

Approximately 130 state agencies and their attached boards file these reports. The Ethics Board receives excellent compliance. The Board's staff reviews each Statement for completeness. The reports are available for review at the Ethics Board's offices.

## DIRECTORY

The Ethics Board periodically publishes the *Directory of State Agencies' Legislative Liaisons*, which lists the names of each state agency's salaried officers and employees whose normal duties include attempting to influence state legislation, each agency's general area of legislative interest, and each legislative liaison's title and phone number. Ask for Ethics Board publication 508. The directory is also available on the Ethics Board's web site, <http://ethics.state.wi.us>.

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**APPENDIX**

**GOAL IV  
IDENTIFY CONFLICTING INTERESTS**



# Statements of Economic Interests

## Who must file?

The governor; other officials chosen in state-wide elections; legislators; members of state commissions and part-time boards that direct state agencies; members of the examining boards that regulate trades and professions; members and key officials of the district boards of the state's vocational, technical, and adult education schools; key salaried officials in state government; judges; district attorneys; and certain other officials identified by statute must file a Statement of Economic Interests. (For a detailed list of those positions whose occupants file a Statement of Economic Interests, refer to Ethics Board publication #402.) In addition, candidates for state public office must file a Statement of Economic Interests.

## When must Statements be filed?

State officials must file within 21 days of assuming office. Nominees must file within 21 days of nomination or appointment. Candidates must file within 3 days of the Election Board's deadline for filing nomination papers. State officials update their Statements annually on or before April 30, reporting their economic interests for the preceding calendar year.

## What information must be identified?

State officials and candidates and nominees for public offices are required to identify:

### EMPLOYERS

Any employer from which the person required to file or a member of his or her immediate family received income of \$1,000 or more.

### BUSINESSES

Any partnership, corporation, proprietorship, firm, franchise, or other business or enterprise in which the person required to file or a member of his or her immediate family owned a 10% or greater interest.

### REAL ESTATE

Any real estate located in Wisconsin in which the person required to file or a member of his or her immediate family held, directly or indirectly, a 10% or greater interest valued at \$5,000 or more, excluding the person's principal residence.

### CUSTOMERS, CLIENTS, AND TENANTS

Any source from which the businesses and real estate of the person required to file or members of his or her immediate family received \$1,000 or more of payments, excluding (a) a corporation's sources of income unless the corporation is a service corporation or an "S" corporation under the Internal Revenue Code, (b) a business's sources of income if the family's share of the business's gross proceeds was less than \$1,000, (c) an individual unless the individual was a lobbyist, and (d) a decedent's estate.

## **GIFTS**

Any individual or organization from which the person required to file received business, entertainment or gifts having a total value over \$50, excluding gifts from relatives.

## **HONORARIA AND EXPENSES**

Any individual or organization from which the person required to file received lodging, transportation, meals, expenses, or honoraria having a value over \$50, for the presentation of a talk, participation in a meeting, or for a published work about issues initiated by or affecting state government or state agencies.

## **OTHER SOURCES OF INCOME**

Any source not elsewhere identified on the Statement from which the person required to file or a member of his or her immediate family received income of \$1,000 or more during the preceding year, including honoraria not elsewhere reported, Social Security payments, retirement benefits, directors' fees, commissions, and proceeds from the sale of real estate.

## **SECURITIES**

Any business, organization, or Wisconsin governmental entity in which the person required to file or a member of his or her immediate family owned securities, including stocks, bonds, mutual funds, money market funds, limited partnerships, and commodity futures contracts, valued at \$5,000 or more.

## **OFFICES AND DIRECTORSHIPS**

Any business or organization (other than a charitable, political, non-profit social or community service organization; trust; or federal, state, or local government or governmental agency) in which the person required to file or a member of his or her immediate family was an officer or director.

## **REPRESENTATIONS OF ORGANIZATIONS**

Any business or organization (other than a charitable, political, non-profit social or community service organization; trust; or federal, state, or local government or governmental agency) of which the person required to file or a member of his or her immediate family was an authorized representative or legal agent.

## **CREDITORS**

Any creditor to whom the person required to file or a member of his or her immediate family owed \$5,000 or more.

## **General information**

**Penalties:** A person who fails to file a Statement of Economic Interests in a timely manner may be subject to a civil forfeiture of up to \$500. If failure to file is intentional, a person may be subject to a \$5,000 fine and one year's imprisonment.

**Notice of Public Examination:** Anyone may examine the Statement of Economic Interests of a candidate, nominee, or state official at the Ethics Board's office or request a copy by mail. The law requires the Ethics Board to notify the filer of the identity of anyone who examines his or her Statement.

# Officials Required to File

Of the approximately 2,500 state officials subject to the Ethics Code's standards of conduct, about 2,100 officials -- those holding salaried positions and those whose appointments require the Senate's consent -- file Statements of Economic Interests. Candidates and nominees for state public offices also file Statements of Economic Interests. Statements are open to public inspection.

The occupants of the following positions file Statements of Economic Interests with the Wisconsin Ethics Board:

**Administration, Department of**

Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (9)  
Federal-State Relations Office, Director

**Aging & Long-Term Care, Board on**

Members (7)

**Agriculture, Trade & Consumer Protection,  
Department of**

Board (9)  
Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (6)

**Artistic Endowment Foundation, WI**

Members (8) <sup>1</sup>

**Arts Board**

Executive Director

**College Savings Program Board**

Members (6) <sup>1</sup>

**Commerce, Department of**

Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (7)  
Rural Health Development Council (13)

**Conservation Corps Board**

Executive Secretary

**Corrections, Department of**

Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (5)  
Director, Badger State Industries  
Parole Commission, Chair

**Credit Unions, Office of**

Director  
Credit Union Review Board (5)

**District Attorney**

District Attorneys (71)

**Educational Communications Board**

Members (5) <sup>1,2</sup>  
Executive Director  
Deputy Director  
Administrators (5)

**Elections Board**

Members (8)  
Executive Director

**Electronic Government, Department of**

Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (3)

**Employee Trust Funds, Dept. of**

Board (1) <sup>1,2</sup>  
Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (5)  
Deferred Compensation Board (5)  
Private Employer Hlth Care Coverage Bd (11)

**Employment Relations Commission**

Members (3)

**Employment Relations, Department of**

Secretary

Deputy Secretary

Executive Assistant

Administrators (4)

**Ethics Board**

Members (6)

Executive Director

**Financial Institutions, Department of**

Secretary

Deputy Secretary

Executive Assistant

Administrators (5)

Banking Review Board (5)

Savings & Loan Review Board (7)

Savings Bank Review Board (7)

**Fox River Navigational System Authority**

Members (6)

Chief Executive Officer

**Governor, Office of the**

Governor

Key Professional Staff

**Governor's Work-based Learning Board**

Executive Director

**Great Lakes Protection Fund**

Members (2)

**Health & Educational Facilities Authority,  
Wisconsin**

Members (7)

**Health & Family Services, Department of**

Secretary

Deputy Secretary

Executive Assistant

Administrators (6)

Domestic Abuse, Council on (9)

**Higher Educational Aids Board**

Executive Secretary

Deputy Secretary

Administrator (1)

**Historic Sites Foundation, Inc.**

Member (1) <sup>2</sup>

**Historical Society**

Curators (3) <sup>1,2</sup>

Director

Associate Director

Administrators (6)

**Housing & Economic Development Auth.**

Members (6) <sup>1</sup>

Employees, Non-clerical

**Insurance, Office of the Commissioner of**

Commissioner

Deputy Commissioner

Administrators (2)

**Investment Board**

Members (9) <sup>1,2</sup>

Executive Director

Executive Assistant

Administrators (1)

Internal Auditor

Chief Investment Officer

Chief Financial Officer

Chief Legal Counsel

Chief Risk Officer

Investment Directors (13)

**Judges**

Supreme Court Justices (7)

Court of Appeals Judges (16)

Circuit Court (240)

Municipal Judges

Law Librarian

**Judicial Commission**

Members (9) <sup>1</sup>

Executive Director

**Justice Assistance, Office of**

Executive Director

**Justice, Department of**

Attorney General

Deputy Attorney General

Executive Assistant

Administrators (5)

Crime Victims Services, Director

**Kickapoo Reserve Management Board**

Members (3)

**Labor & Industry Review Commission**

Members (3)

**Land and Water Conservation Board**

Members (5) <sup>1,2</sup>

**Land Information Board**

Members (8)

**Legislative Audit Bureau**

Director  
Deputy State Auditor  
Auditors

**Legislative Council**

Director  
Expert Assistants

**Legislative Fiscal Bureau**

Director  
Assistant Director  
Assistants and Analysts

**Legislative Reference Bureau**

Chief  
Employes, Non-clerical

**Legislative Technology Services Bureau**

Director

**Legislature**

Representatives  
Senators  
Chief Clerks (2)  
Sergeant at Arms (2)

**Lieutenant Governor, Office of the**

Lieutenant Governor  
Administrative Assistant

**Lower Wisconsin State Riverway Bd**

Members (3)

**Midwest Interstate Low-level Radioactive Waste Commission**

Member (1)

**Military Affairs, Department of**

Adjutant General  
Deputy Adjutants General (2)  
Executive Assistant  
Administrator

**Natural Resources, Dept. of**

Board (7)  
Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (7)  
Snowmobile Recreational Council (15)

**Personnel Commission**

Members (3)

**Prison Industries Board**

Members (9)

**Public Defender, Office of State**

Board (9)  
State Public Defender  
Deputy State Public Defender  
Administrators (5)

**Public Instruction, Dept. of**

Superintendent  
Deputy Superintendent  
Executive Assistant  
Administrators (5)  
Professional Standards Council for Teachers (19)<sup>2</sup>

**Public Service Commission**

Members (3)  
Executive Assistants (3)  
Administrators (5)

**Railroads, Office of the Commissioner of**

Commissioner

**Regional Transportation Authority**

Members (10)

**Regulation & Licensing, Department of**

Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (4)  
Accounting Examining Board (7)  
Architects, et al. Examining Board (25)  
Athletic Trainers Affiliated Credentialing Bd (6)  
Auctioneers Board (7)  
Barbering & Cosmetology Exam. Bd (9)  
Chiropractic Examining Board (6)  
Dentistry Examining Board (11)  
Dietitians Affiliated Credentialing Bd (4)  
Funeral Directors Examining Board (6)  
Hearing and Speech Examining Bd (8)  
Medical Examining Board (13)  
Nursing, Board of (9)  
Nursing Home Adm. Exam. Bd. (9)  
Occupational Therapists Affiliated  
Credentialing Board (7)  
Optometry Examining Board (7)  
Pharmacy Examining Board (7)  
Physical Therapists Affiliated Credentialing  
Board (4)  
Podiatrist Affil. Credentialing Board (4)  
Professional Geologists Exam Board (12)  
Psychology Examining Board (6)  
Real Estate Appraisers Board (7)  
Real Estate Board (7)  
Respiratory Care Practitioners Examining  
Council, Public Member  
Social Workers, Marriage and Family  
Therapists and Professional Counselors  
Examining Board (13)  
Veterinary Examining Board (8)

**Revenue, Department of**

Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (5)



**Revisor of Statutes Bureau**  
Director

**Secretary of State, Office of**  
Secretary of State  
Asst. Secretary of State  
Administrator

**State Fair Park Board**<sup>1</sup>  
Members (7)  
State Fair Park Director

**Tax Appeals Commission**  
Members (3)

**Technical College System Board, Wisconsin**  
Members (10) <sup>1</sup>  
Director  
Executive Assistant  
Administrators (2)

**Technical College System, District Boards**  
Members (144)  
Directors (16)  
Deputy Directors  
Associate Directors  
Assistant Directors

**Technology for Educational Achievement in Wisconsin (TEACH) Board**  
Executive Director

**Tourism, Department of**  
Secretary  
Deputy Secretary

**Transportation, Department of**  
Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (6)

**Treasurer, State, Office of the**  
State Treasurer  
Assistant State Treasurer

**University of Wisconsin Hospitals & Clinics Authority**

Members (15)<sup>1</sup>  
Chief Executive Officer

**University of Wisconsin Hospitals & Clinics Board**  
Members (3)<sup>1</sup>

**University of Wisconsin System**  
Board of Regents (15) <sup>1</sup>  
President  
Vice Presidents (5)  
Associate Vice Presidents  
Assistant Vice Presidents  
Chancellors  
Vice Chancellors

**Veterans Affairs, Department of**  
Board (7)  
Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (3)

**Waste Facility Siting Board**  
Members (3) <sup>1</sup>

**Waterways Commission, Wisconsin**  
Members (5)

**Workforce Development, Department of**  
Secretary  
Deputy Secretary  
Executive Assistant  
Administrators (6)

**World Dairy Center Authority**  
Members (23)  
Executive Director  
Employees, non-clerical

A position marked with footnote "1" is a board or commission that includes among its members either some people who are members of the body because of their holding another state public office that obliges them to file a Statement of Economic Interests or representatives designated by those people.

A position marked with footnote "2" denotes an agency of which some of the members are not subject to the Ethics Code.

# Statements of Economic Interests and Other Reports

## Statements of Economic Interests

### 100% COMPLIANCE

The Ethics Board experiences virtually 100% compliance with the law requiring state public officials, candidates, and nominees for state public office to file Statements of Economic Interests on a yearly basis.

### INTERNAL AUDITS

The Board's staff inspects Statements of Economic Interests filed to assure that each Statement is, on its face, complete and contains no internal inconsistencies. About 20% of the Statements require some follow-up. The staff then telephones or writes to each person whose Statement is held for further attention. In almost every instance additional information is returned to bring the Statement into conformity with the law, or the inconsistency is explained to the staff's satisfaction.

### PUBLIC EXAMINATION

Statements filed by state public officials, candidates, and nominees for state public office, and financial reports made by Wisconsin's congressional delegation are open for public inspection at the Board's office. During the past several years the public examined each year an average of 500 Statements of Economic Interests filed with the Board. As provided by statute the Ethics Board notifies each official, candidate, or nominee of the identity of anyone who examined his or her Statement of Economic Interests.

### SENATE'S SCRUTINY OF STATEMENTS FILED BY GOVERNOR'S NOMINEES

In those instances for which the *Statutes* require the Senate's consent to an appointment, a nominee must file a Statement of Economic Interests within 3 weeks of the Governor's sending the nomination to the Senate. The Board forwards copies of nominees' Statements for about 100 gubernatorial nominations annually to members of the Senate committees to which the nominations are referred for consideration.

## **Other Reports**

### **INVESTMENT BOARD**

Members and staff of the Investment Board not only file an annual Statement of Economic Interests with the Ethics Board, but also submit reports of their economic transactions each quarter. Unlike other reports, the financial reports filed by members and employees of the Investment Board are not open to public inspection.

### **INDEXES, STATE CONTRACTS, AND QUALIFICATIONS FOR OFFICE**

The Ethics Board maintains current lists of state public officials both alphabetically and by agency. The Board maintains an index to written notices submitted by state officials who have entered into contracts or leases involving payments of more than \$3,000 in state funds within a 12-month period. Also on file is a compilation of qualifications for membership on boards and commissions.

### **CONGRESSIONAL FINANCIAL STATEMENTS**

Federal law requires United States Senators and Representatives and candidates for those offices to report publicly certain of their economic interests. The Ethics Board maintains copies of these financial reports filed by Wisconsin's congressional delegation.

**Wisconsin  
Ethics Board**

**2003 Annual Report**

**APPENDIX**

**GOAL V  
ENFORCE STATUTORY REQUIREMENTS**



# Complaints and Investigations under Wisconsin's Ethics Code and Lobbying Law

The Ethics Board may investigate possible violations of the Ethics Code and lobbying law whenever circumstances warrant and may file complaints alleging violations whenever it concludes there is probable cause to do so.

During the period January through December 2002, the Board completed investigations of the following matters pertaining to possible violations of the statutorily prescribed standards of conduct for state officials, lobbyists, and principals.

**REPRESENTATIVE'S MISUSE OF STATE TELEPHONE.** In light of published accounts suggesting that Representative Johnnie Morris-Tatum billed personal expenses to taxpayers, the Board investigated to determine if the Representative violated the Ethics Code by billing personal telephone calls to the state. As a result of the investigation, Representative Morris-Tatum reimbursed the state \$1,800 and paid a civil forfeiture of \$1,000. [2001-SC-02]

**LOBBYISTS' FURNISHING CAMPAIGN CONTRIBUTIONS.** The Ethics Board found that seven lobbyists had made campaign contributions to gubernatorial candidates during a time not permitted by the lobbying law. Each lobbyist secured the return of the improper contribution and forfeited the amount of the contribution to the State of Wisconsin. The lobbyists, penalties they paid, and the candidates to whom the contributions were furnished are:

• Julius Agara	\$500	Gary George
• Connie Coddington	\$100	Scott McCallum
• Spencer Korte	\$100	Scott McCallum
• Terry Marshall	\$250	Kathleen Falk
• Jack Norman	\$100	Tom Barrett
• Michael Serpe	\$100	James Doyle
• Dona Wininsky	\$100	Tom Barrett

[2002-SC-02]

**UNLAWFUL USE OF STATE RESOURCES.** In light of news reports appearing on July 24, 2002 indicating that an employee of the state senate had provided assistance in a challenge to the sufficiency of gubernatorial nomination papers filed with the Elections Board by Senator Gary George. The Ethics Board investigated and found that two senate employees, Joel Gratz and George Twigg, were in violation of a rule of the Legislature's Joint Committee on Legislative Organization providing:

Prepared by the Wisconsin Ethics Board. 44 East Mifflin Street, Suite 601, Madison, WI 53703-2800  
(608) 266-8123. January 2003

An employee of the Legislature may not engage in campaign activities during hours of employment claimed or while on any form of paid leave (including compensatory or "comp" time) other than vacation time and then only after having submitted to the Chief Clerk a request to use vacation time and a finding that the leave will not be contrary to the interests of that house or during regular hours of employment unless the employee has submitted to the Chief Clerk a request to work variant hours or for unpaid leave and a finding that such variant hours or unpaid leave will not be contrary to the interests of that house.

That the rule further provides that a "legislative employee's actions contrary to this Joint Committee on Legislative Organization's rule is prohibited and is an unlawful use of State resources". Joel Gratz paid a forfeiture of \$300.00 and George Twigg paid a forfeiture of \$100.00. [2002-SC-04]

**IMPROPER FURNISHING OF CAMPAIGN CONTRIBUTIONS.** The Ethics Board reviewed data from campaign finance reports filed for the period January through July 2002. It was discovered that lobbyists apparently furnished a number of reported contributions during a time not permitted under §13.625, *Wisconsin Statutes*. Each lobbyist that was found in violation of the law, secured the return of the improper contribution and forfeited the amount of the contribution to the State of Wisconsin. The lobbyists, penalties they paid, and the candidates to whom the contributions were furnished are:

• William J. Bazan	\$100.00	Peggy Rosenzweig
• Samuel J. Carmen	\$100.00	Tom Barrett
• Franklin Cumberbatch	\$100.00	Tom Barrett
• Christine A. Russell	\$100.00	Kathleen Falk
• Tim Sheehy	\$200.00	Antonio Riley
• Carol N. Skornicka	\$100.00	Jeff Stone
• Robert J. Bartlett	\$100.00	Tom Barrett

[2002-SC-07 – 2002-SC-21]

**LATE STATEMENTS OF LOBBYING ACTIVITIES AND EXPENDITURES.** The following lobbying organization paid a penalty for filing their Statement of Lobbying Activities and Expenditures for the first half of 2002 late:

- Wisconsin Association of Home Inspectors paid \$25.00.

The Board collected \$1,762.50 in forfeitures for late filing penalties for failure to report a lobbying communication within 15 days for the last half of 2001. The Board collected \$1,812.50 in forfeitures for late filing penalties for failure to report a lobbying communication within 15 days for the first half of 2002.

The Board in this period collected \$680 in forfeitures for late filing of Statements of Economic Interests.

The Ethics Board deposits the penalties it collects in the state school fund.

# Complaints and Investigations under Wisconsin's Ethics Code and Lobbying Law

The Ethics Board may investigate possible violations of the Ethics Code and lobbying law whenever circumstances warrant and may file complaints alleging violations whenever it concludes there is probable cause to do so.

During the period January through June 2003, the Board completed investigations of the following matters pertaining to possible violations of the statutorily prescribed standards of conduct for state officials, lobbyists, and principals.

**OFFICIAL'S MISUSE OF STATE RESOURCES.** In light of a published account suggesting that Governor Scott McCallum had personal use of a boat supplied by Forward Wisconsin and/or Mercury/Marine, a lobbying principal, the Board investigated to determine if the Governor violated the Ethics Code §19.45(2), *Wisconsin Statutes*. As a result of the investigation, Governor McCallum paid a forfeiture of \$500.00. [2002-SC-06]

**OFFICIAL'S MISUSE OF STATE RESOURCES.** During the gubernatorial campaign, allegations were made that Governor Scott McCallum may have used state aircraft for personal and campaign purposes without properly reimbursing the state. The Board investigated to determine if the Governor violated the Ethics Code §19.45(2), 19.45(3m), and §19.45(5), *Wisconsin Statutes*, by using his office to obtain a state airplane to fly from Madison to Colorado Springs to return him and his son, Rory, back to Madison without obtaining the approval of the Secretary of the Department of Administration and without payment of the costs associated with the operation of the aircraft in connection with the flight. As a result of the investigation, Governor McCallum reimbursed the taxpayers \$13,000. [2002-SC-22]

**LATE STATEMENTS OF LOBBYING ACTIVITIES AND EXPENDITURES.** The following two lobbying organizations paid a penalty for filing their Statements of Lobbying Activities and Expenditures for the last half of 2002 late: Wisconsin Humane Society and Fortis Insurance Company each paid \$25.00.

The Board collected \$25.00 in forfeitures for late filing penalties for failure to report a lobbying communication within 15 days for the last half of 2002.

The Board in this period collected \$60.00 in forfeitures for late filing of Statements of Economic Interests. The Ethics Board deposits the penalties it collects in the state school fund.

**Wisconsin  
Ethics Board**

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**APPENDIX**

**GOAL VI  
EDUCATE THE PUBLIC**







AN AUDIT PROGRAM DESIGNED TO

## ENSURE LOBBYING COMPLIANCE

TO FACILITATE A CLEAN AND OPEN GOVERNMENT IN WISCONSIN

### *Education*

#### PROCEDURE

The Ethics Board staff will perform each of the 6 tasks throughout each legislative session to help educate and provide proactive reminders to lobbyists and principals.

1. Bi-weekly e-mails to lobbyists and principals
  - o These will be incorporated with the News-n-Notices page of the website and will provide informational/educational references to the lobbying law
2. Informational e-mails to lobbyists and/or principals at date sensitive times
  - o As deadlines approach, sensitive issues arise, or the need for a reporting tip arises, an impromptu e-mail will be generated and sent
3. Informational inserts in mailings
  - o Reporting tips, and other informational materials may be included in SLAE or registration mailings as a form of education
4. Lobbying law seminars
  - o Seminars will be held during the 1<sup>st</sup> month (January) of each legislative session for all NEW principals and lobbyists; as well as a refresher for veteran principals and lobbyists
  - o Seminars will also be held in July (odd-numbered years), January and July (even-numbered years); these will be refresher courses for existing lobbyists and principals as well as for new lobbyists and principals
5. By appointment/phone/e-mail
  - o The Ethics Board staff will also be willing to meet with individual lobbyists and principals throughout the session by appointment for issues that cannot be properly addressed by e-mail or by phone
6. Eye on Lobbying training
  - o Training seminars will also be held on the Ethics Board's Eye on Lobbying program to promote and educate lobbyists and principals on the many useful features the website holds



AN AUDIT PROGRAM DESIGNED TO

# ENSURE LOBBYING COMPLIANCE

TO FACILITATE A CLEAN AND OPEN GOVERNMENT IN WISCONSIN

## Education: Bi-weekly E-mail Schedule

A 2<sup>nd</sup> Tuesday of the month

B 4<sup>th</sup> Tuesday of the month

ODD-NUMBERED YEARS			
JANUARY	A	Lobbying	SLAEs mailed
	B	Lobbying	SLAEs due end of this month and can viewed online
FEBRUARY	A	Lobbying	Total expenditures and big bills
	B	Lobbying	Do you need to be registered or licensed?
MARCH	A	Lobbying	Audit findings
	B	Lobbying	How to report on the budget & stand alone bills included in the budget
APRIL	A	Lobbying	15 day reporting requirement
	B	State Officials	Statements due and available
MAY	A	State Officials	Statements available for viewing
	B	State Officials	<b>GUIDELINE:</b> attending conferences
JUNE	A	State Officials	<b>GUIDELINE:</b> Solicitation
	B	Lobbying	SLAEs to be mailed/e-mailed beginning of the month
JULY	A	Lobbying	SLAEs mailed
	B	Lobbying	SLAEs due end of this month and can viewed online
AUGUST	A	Lobbying	Total expenditures and big bills
	B	State Officials/Lobbyists	<b>GUIDELINE:</b> Skyboxes and tickets
SEPTEMBER	A	State Officials/Lobbyists	Audit findings
	B	State Officials	<b>GUIDELINE:</b> Private interest for official action
OCTOBER	A	State Officials/Lobbyists	Fun lobbying facts
	B	State Officials	<b>GUIDELINE:</b> Telephone calls
NOVEMBER	A		
	B	State Officials	<b>GUIDELINE:</b> Requesting an advisory opinion
DECEMBER	A		
	B	Lobbying	SLAEs to be mailed/e-mailed beginning of the month

EVEN-NUMBERED YEARS			
JANUARY	A	Lobbying	SLAEs mailed
	B	Lobbying	SLAEs due end of this month and can viewed online
FEBRUARY	A	Lobbying	Total expenditures and big bills
	B	State Officials/Lobbyists	Fun lobbying facts
MARCH	A	State Officials/Lobbyists	Audit Findings
	B	Lobbying	<b>GUIDELINE:</b> Campaign contributions
APRIL	A	Lobbying	Reporting topics for next session's proposals
	B	State Officials	Statements due and available
MAY	A	State Officials	Statements available for viewing
	B	State Officials	<b>GUIDELINE:</b> Attending conferences
JUNE	A	State Officials/Lobbyists	<b>GUIDELINE:</b> Campaign contributions
	B	Lobbying	SLAEs to be mailed/e-mailed beginning of the month
JULY	A	Lobbying	SLAEs mailed
	B	Lobbying	SLAEs due end of this month and can viewed online
AUGUST	A	Lobbying	Total expenditures and big bills
	B	State Officials/Lobbyists	<b>GUIDELINE:</b> Skyboxes and tickets
SEPTEMBER	A	State Officials/Lobbyists	Audit findings
	B	State Officials	<b>GUIDELINE:</b> Private interest for official action
OCTOBER	A	State Officials/Lobbyists	Fun lobbying facts
	B	State Officials	<b>GUIDELINE:</b> Telephone calls
NOVEMBER	A	Lobbying	Lobbying new legislators, reporting as a topic
	B	State Officials	Limitations on former officials/seeking private employment
DECEMBER	A	Lobbying	Registration for next session beginning
	B	Lobbying	SLAEs to be mailed/e-mailed beginning of the month

**Wisconsin  
Ethics Board**

**2003 Annual Report**

**APPENDIX**

**GOAL VII  
REVIEW STATUTES**



# Ethics Code and Lobbying Law Legislative History 2001-2002

## **Pay to play**

The 2001-2002 legislature enacted a statute that revised the ethics code to prohibit a state or local public official holding an elective office to give, offer, or promise to give or to withhold or promise to withhold his or her vote or influence or promise to take or refrain from taking official action in consideration of, or on condition that, any person make, or refrain from making a political contribution or political service. 2001 Wisconsin Act 109.

# Ethics Code and Lobbying Law Legislative History 2003-2004

Through June 30, 2003, the 2003-2004 legislature has not enacted any statutes that revise the lobbying law or the ethics code in any significant way.

Wisconsin's  
**REGULATION OF LOBBYING**  
Subchapter III, Chapter 13, *Wisconsin Statutes*\*

13.61	Lobbying regulated; legislative purpose	13.68	Principal's expense statement
13.62	Definitions	13.685	Duties of the ethics board
13.621	Exemptions	13.69	Enforcement and penalties
13.625	Prohibited practices	13.695	Legislative activities of state agencies
13.63	Licenses for lobbyists; suspension or revocation	13.71	Lobbyists restricted during daily sessions
13.64	Lobbying registry	13.74	Auditing
13.65	Lobbyist authorization	13.75	Fees
13.66	Restrictions on practice of lobbying		
13.67	Identification of legislative and administrative proposals and topics.		

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**13.61 Lobbying regulated; legislative purpose.** The legislature declares that the operation of an open and responsible government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any officials of the executive or legislative branch their opinions on legislation, on pending administrative rules and other policy decisions by administrative agencies, and on current issues. Essential to the continued functioning of an open government is the preservation of the integrity of the governmental decision-making process. In order to preserve and maintain the integrity of the process, the legislature determines that it is necessary to regulate and publicly disclose the identity, expenditures and activities of persons who hire others or are hired to engage in efforts to influence actions of the legislative and executive branches.

**13.62 Definitions.** In this subchapter:

(1) "Administrative action" means the proposal, drafting, development, consideration, promulgation, amendment, repeal or rejection by any agency of any rule promulgated under ch. 227.

(2) "Agency" means any board, commission, department, office, society, institution of higher education, council or committee in the state government,

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\* Current through 2003 Wisconsin Act 47 (August 25, 2003)

or any authority created in ch. 231, 232, 233, 234, or 237, except that the term does not include a council or committee of the legislature.

**(3)** "Agency official" means a member, officer, employee or consultant of any agency who as part of such person's official responsibilities participates in any administrative action in other than a solely clerical, secretarial or ministerial capacity.

**(4)** "Board" means the ethics board.

**(4m)** "Budget bill subject" means a subject specified by the board that is included in the executive budget bill or bills introduced under s. 16.47.

**(5)** "Business entity" means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, limited liability company or association.

**(5g)** "Candidate" has the meaning given under s. 11.01 (1).

**(5r)** "Communications media" has the meaning given under s. 11.01 (5).

**(6)** "Elective state official" means any person who holds an elective state office as defined in s. 5.02 (23) or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elective state official.

**(8)** "Legislative action" means the development, drafting, introduction, consideration, modification, adoption, rejection, review, enactment or defeat of any bill, resolution, amendment, report, nomination, proposed administrative rule or other matter by the legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a legislator or employee of the legislature acting in an official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill or portion thereof, and the action of the governor or any agency in the development of a proposal for introduction in the legislature.

**(8m)** "Legislative employee" means a member or officer of the legislature, an individual employed under s. 13.20 or an employee of a legislative service agency, as defined in s. 16.70(6).

**(8s)** "Legislative proposal" means a bill, resolution or joint resolution.

**(10)** "Lobbying" means the practice of attempting to influence legislative or administrative action by oral or written communication with any elective state official, agency official or legislative employee, and includes time spent in preparation for such communication and appearances at public hearings or meetings or service on a committee in which such preparation or communication occurs.

**(10g)** "Lobbying communication" means an oral or written communication with any agency official, elective state official or legislative employee that attempts to influence legislative or administrative action, unless exempted under s. 13.621.

**(10r)** "Lobbying expenditure" means an expenditure related to the performance of lobbying, whether received in the form of an advance or subsequent reimbursement. The term includes an expenditure for conducting research or for providing or using information, statistics, studies or analyses in communicating with an official that would not have been incurred but for lobbying.

**(11)** "Lobbyist" means an individual who is employed by a principal, or contracts for or receives economic consideration, other than reimbursement for actual expenses, from a principal and whose duties include lobbying on behalf of the principal. If an individual's duties on behalf of a principal are not limited exclusively to lobbying, the individual is a lobbyist only if he or she makes lobbying communications on each of at least 5 days within a reporting period.

**(11m)** "Local official" means any person who holds a local office as defined in s. 5.02 (9) or has been elected to a local office but has not yet taken office, and every person who is employed by a county, city, town, village or school district who is not employed principally to influence legislative or administrative action. A person who is appointed to fill a vacant local office is a local official.

**(11p)** "Partisan elective state office" means the office of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator or state representative to the assembly.

**(11r)** "Partisan elective state official" means any individual holding a partisan elective state office.

**(11t)** "Personal campaign committee" has the meaning given in s. 11.01(15).

**(12)** "Principal" means any person who employs a lobbyist. If an association, corporation, limited liability company or partnership engages a lobbyist, an officer, employee, member, shareholder or partner of the association, corporation, limited liability company or partnership shall not be considered a principal.

**(12g)** "Relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, spouse, fiancé or fiancée.

**(12r)** "Reporting period" means any 6-month period beginning with January 1 and ending with June 30 or beginning with July 1 and ending with December 31.

**(13)** "State office" has the meaning given under s. 5.02 (23).

**13.621 Exemptions. (1) COMPLETE EXEMPTION FOR CERTAIN CONDUCT.** This subchapter does not apply to the following activities:



(a) Lobbying through communications media or by public addresses to audiences made up principally of persons other than legislators or agency officials.

(b) Except as provided in s. 13.68(1)(a)5, news or feature reporting, paid advertising activities or editorial comment by working members of the press, and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station.

(c) Requests by a member or employee of the legislature or by a legislative committee for information from an agency or its employees and the furnishing of the requested information by that agency or its employees.

(d) Lobbying of an agency official by an agency official of a different agency or another agency official of the same agency.

(e) Participation as a member in the deliberations of a committee under s. 227.13 or any committee of the legislature.

(f) Requests by an agency official for information from any person and the furnishing of the information by that person, or requests by any person for information from any agency official and the furnishing of the information by that official.

**(2) STATE AGENCY LOBBYING ACTIVITIES.** An agency which files a statement under s. 13.695 and an official of the agency who is named in the statement are not subject to s. 13.625, 13.63, 13.64, 13.65 or 13.68 except as provided in s. 13.695.

**(3) PERFORMANCE OF PUBLIC DUTIES.** An elective state official, local official or employee of the legislature is not subject to s. 13.63, 13.64, 13.65, 13.68 or 13.695 when acting in an official capacity.

**(5)** Any principal who or which anticipates making expenditures or incurring obligations in an aggregate amount not exceeding \$500 in a calendar year for the purpose of engaging in lobbying activities which are not exempt under this section may so indicate on a verified statement filed with the board. The statement shall disclose the name, address and telephone number of the principal and a brief description of each cause or interest for which the principal employs a lobbyist. The statement shall also disclose the name and business address of any lobbyist who is employed by such principal to engage in lobbying activities which are not exempt under this section. A statement filed under this subsection expires at midnight on December 31 of each year, or upon revocation by the principal, whichever is earlier. Any principal and any lobbyist acting on behalf of a principal making such a statement is not subject to licensing under s. 13.63, registration under s. 13.64, or the reporting requirements under s. 13.68, if the statement is true. The statement may be revoked at any time by the principal and the principal and any lobbyist employed by the principal are then subject to such requirements as of the date of revocation. The statement shall be revoked no later than 10 days after the date the aggregate expenditures or obligations in the

calendar year for the purpose of engaging in such lobbying activities exceed \$500. The fee paid under s. 13.75 (3) for filing a statement under this subsection shall be credited toward payment of the fee under s. 13.75 (2) if the fee under s. 13.75 (2) is paid within the same year.

**(6) INDIVIDUAL RIGHT TO LOBBY.** Nothing in ss. 13.61 to 13.695 may be applied to or interfere with the right of any individual to engage in lobbying:

(a) Solely on his or her own behalf; or

(b) By communicating solely with a legislator who represents the senate or assembly district in which the individual resides, whether or not such communication is made on behalf of the individual or on behalf of another person.

**13.625 Prohibited practices. (1)** No lobbyist may:

(a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

(b) Furnish to any agency official or legislative employee of the state or to any elective state official or candidate for an elective state office, or to the official's, employee's or candidate's personal campaign committee:

1. Lodging.

2. Transportation.

3. Food, meals, beverages, money or any other thing of pecuniary value, except that a lobbyist may make a campaign contribution to a partisan elective state official or candidate for national, state or local office or to the official's or candidate's personal campaign committee; but a lobbyist may make a contribution to which par. (c) applies only as authorized in par. (c).

(c) Except as permitted in this subsection, make a campaign contribution, as defined in s. 11.01 (6), to a partisan elective state official for the purpose of promoting the official's election to any national, state or local office, or to a candidate for a partisan elective state office to be filled at the general election or a special election, or the official's or candidate's personal campaign committee. A campaign contribution to a partisan elective state official or candidate for partisan elective state office or his or her personal campaign committee may be made in the year of a candidate's election between June 1 and the day of the general election, except that:

1. A campaign contribution to a candidate for legislative office may be made during that period only if the legislature has concluded its final floorperiod, and is not in special or extraordinary session.

2. A campaign contribution by a lobbyist to the lobbyist's campaign for partisan elective state office may be made at any time.

(d) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

**(2)** No principal may engage in the practices prohibited under sub. (1) (b) and (c). This subsection does not apply to the furnishing of transportation,

lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

**(3)** No candidate for an elective state office, elective state official, agency official or legislative employee of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, except as permitted under subs. (1)(b)3 and (c), (2), (4), (5), (6), (7), (8) and (9). No personal campaign committee of a candidate for state office may accept anything of pecuniary value from a lobbyist or principal, except as permitted for such a candidate under subs. (1) (b) 3 and (c), (2) and (6).

**(4)** Subsections (1) (b) and (3) do not apply to the compensation or furnishing of employee benefits by a principal to an employee who is a candidate for an elective state office but who does not hold such an office if the employee is neither an agency official nor legislative employee, and if the principal or employee can demonstrate by clear and convincing evidence that the principal's employment of the employee and the compensation and employee benefits paid to the employee are unrelated to the candidacy. If the employee was employed by the principal prior to the first day of the 12th month commencing before the deadline for the filing of nomination papers for the office sought and the employment continues uninterrupted, without augmentation of compensation or employee benefits, except as provided by preexisting employment agreement, it is rebuttably presumed that the employment and compensation and benefits paid are unrelated to the candidacy.

**(5)** This section does not apply to food, meals, beverages or entertainment provided by the governor when acting in an official capacity.

**(6)** Subsections (1) (b) and (c), (2) and (3) do not apply to the furnishing of anything of pecuniary value by an individual who is a lobbyist or principal to a relative of the individual or an individual who resides in the same household as the individual, nor to the receipt of anything of pecuniary value by that relative or individual residing in the same household as the individual.

**(6g)** (a) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a principal that is a local governmental unit to a legislative official or an agency official who is an elected official of that local governmental unit, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated elected officials of the same local governmental unit.

(b) Subsections (1) (b) and (3) do not apply to the furnishing of a per diem or reimbursement for actual and reasonable expenses by a principal that is a local governmental unit to a legislative official or an agency official who is an appointed official of that local governmental unit, or to the solicitation or acceptance thereof by such a legislative official or agency official, in an amount not exceeding the amount furnished to other similarly situated appointed officials of the same local governmental unit.

**(6r)** Subsections (1) (b) and (c) and (3) do not apply to the furnishing of anything of pecuniary value by a lobbyist or principal to an employee of that lobbyist or principal who is a legislative official or an agency official solely because of membership on a state commission, board, council, committee or similar body if the thing of pecuniary value is not in excess of that customarily provided by the employer to similarly situated employees and if the legislative official or agency official receives no compensation for his or her services other than a per diem or reimbursement for actual and necessary expenses incurred in the performance of his or her duties, nor to the receipt of anything of pecuniary value by that legislative official or agency official under those circumstances.

**(6s)** Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a principal to an officer or employee of the university of Wisconsin system, or the solicitation or acceptance thereof by such an officer or employee, for service as a member of the governing body of the principal, in an amount not exceeding the amount furnished to other members of the governing body for the same service.

**(6t)** Subsections (1) (b), (2) and (3) do not apply to the furnishing of educational or informational material by a lobbyist or principal to an elected state official, legislative official or agency official, or acceptance thereof by an elected state official, legislative official or agency official.

**(7)** This section does not apply to the furnishing or receipt of a reimbursement or payment for actual and reasonable expenses authorized under s. 19.56 for the activities listed in that section.

**(8)** Subsection (3) does not apply to the solicitation of anything of pecuniary value for the benefit of the endangered resources program, as defined in s. 71.10(5)(a)2, by an agency official who administers the program.

**(8m)** Subsection (3) does not apply to the solicitation of anything of pecuniary value to pay the costs of remedying environmental contamination, as defined in s. 292.51 (1), by an agency official of the department of natural resources.

**(9)** This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the department of commerce, or to a principal furnishing anything of pecuniary value to the department of commerce, under s. 19.56(3)(e) or (f) for the activities specified in s. 19.56(3)(e).

**(10)** This section does not apply to the solicitation, acceptance, or furnishing of anything of pecuniary value by the department of tourism, or to a principal furnishing anything of pecuniary value to the department of tourism, under s. 19.56 (3) (em) or (f) for the activity specified in s. 19.56 (3) (em).

### **13.63 Licenses for lobbyists; suspension or revocation. (1) LICENSES.**

(a) An application for a license to act as a lobbyist may be obtained from and filed with the board. Except as authorized under par. (am), an applicant

shall include his or her social security number on the application. The application shall be signed, under the penalty for making false statements under s. 13.69(6m), by the lobbyist. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to practice lobbying on behalf of each registered principal who or which has filed an authorization under s. 13.65 for that lobbyist and paid the authorization fee under s. 13.75(4). The license shall expire on December 31 of each even-numbered year.

(am) If an individual who applies for a license under this section does not have a social security number, the individual, as a condition of obtaining that license, shall submit a statement made or subscribed under oath or affirmation to the board that the individual does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A license issued in reliance upon a false statement submitted under this paragraph is invalid.

(b) Except as provided under par. (am), the board shall not issue a license to an applicant who does not provide his or her social security number. The board shall not issue a license to an applicant or shall revoke any license issued to a lobbyist if the department of revenue certifies to the board that the applicant or lobbyist is liable for delinquent taxes under s. 73.0301. The board shall refuse to issue a license or shall suspend any existing license for failure of an applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or failure of an applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. No application may be disapproved by the board except an application for a license by a person who is ineligible for licensure under this subsection or s. 13.69 (4) or an application by a lobbyist whose license has been revoked under this subsection or s. 13.69 (7) and only for the period of such ineligibility or revocation.

(c) Denial of a license on the basis of a certification by the department of revenue may be reviewed under s. 73.0301. Except with respect to a license that is denied or suspended pursuant to a memorandum of understanding entered into under s. 49.857, denial or suspension of any other license may be reviewed under ch. 227.

**(2) REVOCATION OF LOBBYING PRIVILEGES.** No lobbyist whose license has been revoked under s. 13.69 (7) may engage in lobbying as a lobbyist for any principal until such person has been reinstated to the practice of lobbying and duly licensed.

**13.64 Lobbying registry. (1)** Every principal who makes expenditures or incurs obligations in an aggregate amount exceeding \$500 in a calendar year for the purpose of engaging in lobbying which is not exempt under s. 13.621 shall, within 10 days after exceeding \$500, cause to be filed with the board a registration statement specifying the principal's name, business address, the general areas of legislative and administrative action which the principal is attempting to influence, the names of any agencies in which the principal seeks to influence administrative action, and information sufficient to identify the nature and interest of the principal. The statement shall be signed, under the penalty for making false statements under s. 13.69 (6m), by an individual identified under par. (e) who is authorized to represent the principal. The statement shall include:

(a) If the principal is an individual, the name and address of the individual's employer, if any, or the individual's principal place of business if self-employed, and a description of the business activity in which the individual or the individual's employer is engaged and, except as authorized in sub. (2m), the individual's social security number.

(b) If the principal is a business entity, a description of the business activity in which the principal is engaged and the name of its chief executive officer, or in the case of a partnership or limited liability company the names of the partners or members.

(c) If the principal is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any segment or portion of the industry, trade or profession which the association exclusively or primarily represents and the name of the chief executive officer and the approximate number of its members.

(d) If the principal is not an individual, business entity or industry, trade or professional association, a statement of the principal's nature and purposes, including a description of any industry, trade, profession or other group with a common interest which the principal primarily represents or from which its membership or financial support is primarily derived and the approximate number of its members.

(e) The name and position or relationship to the principal of any designee who is authorized to sign other documents required under this section or s. 13.65, 13.67 or 13.68 (1).

**(2)** The registration shall expire on December 31 of each even-numbered year. Except as provided in sub. (2m), the board shall refuse to accept a registration statement filed by an individual who does not provide his or her social security number. The board shall refuse to accept a registration statement filed by an individual or shall suspend any existing registration of an individual for failure of the individual or registrant to pay court-ordered payments of child or family support, maintenance, birth expenses, medical

expenses or other expenses related to the support of a child or former spouse or failure of the individual or registrant to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53(5) and related to paternity or child support proceeding, as provided in a memorandum of understanding under s. 49.857. If all lobbying by or on behalf of the principal which is not exempt under s. 13.621 ceases, the board shall terminate the principal's registration and any authorizations under s. 13.65 as of the day after the principal files a statement of cessation and expense statements under s. 13.68 for the period covering all dates on which the principal was registered. Refusal to accept a registration statement or suspension of an existing registration pursuant to a memorandum of understanding under s. 49.857 is not subject to review under ch. 227.

**(2m)** If an individual who applies for registration under this section does not have a social security number, the individual, as a condition of obtaining registration, shall submit a statement made or subscribed under oath or affirmation to the board that the individual does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A registration accepted in reliance upon a false statement submitted under this subsection is invalid.

**(3)** Each principal registered under this section shall, before the principal or a lobbyist for the principal attempts to influence legislative or administrative action in any general area or agency not previously filed with the board, provide written notice to the board of the general area or agency in which the principal or a lobbyist for the principal will attempt to influence legislative or administrative action and in relation to which a lobbyist is employed.

**13.65 Lobbyist authorization.** Before engaging in lobbying on behalf of a principal, a lobbyist or the principal who employs a lobbyist shall file with the board a written authorization for the lobbyist to represent the principal, signed by or on behalf of the principal. A lobbyist or principal shall file a separate authorization for each principal represented by a lobbyist.

**13.66 Restrictions on practice of lobbying.** Except as authorized under s. 13.621, no person may engage in lobbying as a lobbyist unless the person has been licensed under s. 13.63 and has been authorized to act as a lobbyist for the principal whom the lobbyist represents under s. 13.65. Except as authorized under s. 13.621, no principal may authorize its lobbyist to engage in lobbying until the lobbyist is licensed and the principal is registered under s. 13.64.

**13.67 Identification of legislative and administrative proposals and topics. (1)** Except as authorized under s.13.621, no person may engage in

lobbying as a lobbyist on behalf of a principal and no principal may authorize a lobbyist to engage in lobbying on its behalf unless the principal reports to the board, in such manner as the board may prescribe, each legislative proposal, budget bill subject and proposed administrative rule number in connection with which the principal has made or intends to make a lobbying communication or, if the lobbying does not relate to a legislative proposal or proposed administrative rule that has been numbered or a budget bill subject, each topic of a lobbying communication made or intended to be made by the principal. A principal shall describe any topic of a lobbying communication with reasonable specificity, sufficient to identify the subject matter of the lobbying communication and whether the communication is an attempt to influence legislative or administrative action, or both. The principal shall file the report no later than the end of the 15th day after the date on which the principal makes a lobbying communication with respect to a legislative proposal, proposed administrative rule, budget bill subject or other topic not previously reported by the principal under this section during the biennial period for which the principal is registered. The report shall be made by a person who is identified by the principal under s.13.64(1)(e).

(2) Any person who is not a principal may, upon payment of the fee prescribed under s. 13.75(5), register with the board an interest in any legislative proposal, proposed administrative rule, budget bill subject or other topic.

**13.68 Principal's expense statement.** (1) STATEMENT. Every principal which is registered under s. 13.64 shall, on or before July 31 and January 31, file with the board an expense statement covering the preceding reporting period. The statement shall be signed, under the penalty for making false statements provided in s. 13.69 (6m), by an individual identified under s. 13.64 (1) (e) who is authorized to represent the principal. The statement shall contain the following information:

(a) The aggregate total amount of lobbying expenditures made and obligations incurred for lobbying by the principal and all lobbyists for the principal, excluding lobbying expenditures and obligations for the principal's clerical employees, lobbying expenditures and obligations for any employee of the principal who is not a lobbyist and who devotes not more than 10 hours to lobbying during a reporting period, and lobbying expenditures and obligations specified in pars. (b), (d) and (e). With respect to expenditures and obligations included in the amount reported under this paragraph:

1. Lobbying expenditures made and obligations incurred for lobbying shall include compensation to lobbyists for lobbying, whether in cash or in-kind, and reimbursements to lobbyists and to the principal or officers or employees of the principal for lobbying or expenses.



2. Except as provided in subd. 3, lobbying expenditures made and obligations incurred in preparing for lobbying shall be included in the aggregate total.

3. A reasonable estimate of lobbying expenditures made and obligations incurred for conducting, compiling or preparing research, information, statistics, studies or analyses used in lobbying shall be included in the aggregate total. Lobbying expenditures and obligations shall not be reported under this subdivision if the use in lobbying occurs more than 3 years after the completion of the research or the compilation or preparation of the information, statistics, studies or analyses. If the research, information, statistics, studies or analyses are used by the principal both for lobbying and for purposes other than lobbying, the principal shall allocate the lobbying expenditures and obligations among the purposes for which the research, information, statistics, studies or analyses are used and include the portion allocated to lobbying in the aggregate total.

4. Lobbying expenditures made and obligations incurred for providing or using research, information, statistics, studies or analyses in lobbying shall be included in the aggregate total.

5. Lobbying expenditures made and obligations incurred for paid advertising and any other activities conducted for the purpose of urging members of the general public to attempt to influence legislative or administrative action shall be included in the aggregate total, if the total amount of all such lobbying expenditures made and obligations incurred exceeds \$500 during the reporting period.

6. If the total amount of lobbying expenditures and obligations, included in the aggregate total under this paragraph, made or incurred to any lobbyist for the principal exceeds \$200 during the reporting period, the name and address of the lobbyist and the total amount of the lobbying expenditures made or obligations incurred to the lobbyist during the reporting period shall be listed.

(b) If a lobbyist is an employee, officer or director of a principal and the lobbyist is paid a salary or given consideration other than reimbursement of expenses, the aggregate total amount of lobbying expenditures made or obligations incurred by the principal for office space, utilities, supplies and compensation of employees who are utilized in preparing for lobbying communications. Any lobbying expenditures made or obligations incurred for office overhead costs which are included in the amount reported under par. (a) 1 shall not be included in the amounts reported under this paragraph.

(bn) For each legislative proposal, proposed administrative rule, budget bill subject or other topic that accounts for 10% or more of the principal's time spent in lobbying during the reporting period, the principal's reasonable estimate of the proportion of its time spent in lobbying associated with that

legislative proposal, proposed administrative rule, budget bill subject or other topic.

(c) A record disclosing the amount of time spent to influence legislative or administrative action. The record shall be supplied on a form provided by the board and shall include a daily itemization of the time, except the time of a clerical employee, the time of an employee who is not a lobbyist and who devotes not more than 10 hours to lobbying during a reporting period and the time of an unpaid volunteer, spent by the principal on;

1. Meeting with elective state officials, agency officials, legislative employees of the state and other state employees having decision-making authority,
2. Research, preparation and any other activity which includes lobbying.

(cm) The name of any employee of the principal, other than a clerical employee, who is not a lobbyist and who devoted time to lobbying communications during the reporting period.

(d) The name of any agency official, legislative employee, elective state official or candidate for elective state office to whom the principal or any lobbyist for the principal provided reimbursement authorized under s. 13.625 (7) and the date and amount reimbursed.

(e) The total lobbying expenditures made and obligations incurred for personal travel and living expenses, except for expenditures made or obligations incurred for the travel and living expenses of unpaid volunteers if the primary purpose of the travel is for reasons unrelated to lobbying.

**(2) REPORTING PROCEDURE.** If the principal compensates or reimburses a lobbyist or employee both for lobbying activities or expenses which are not exempt under s. 13.621 and for other activities or expenses, for the purposes of sub. (1) (a) 1 or 6, the lobbyist or principal shall estimate and report the portion of the compensation and reimbursements paid for nonexempt lobbying activities or expenses or, if 85% or more of the total compensation and reimbursements paid to the lobbyist or employee relate to lobbying or expenses which are not exempt under s. 13.621, the lobbyist or principal may report the entire amount of the compensation and reimbursements paid to the lobbyist or employee.

(b) Any reasonable estimate or allocation made in good faith under sub. (1) (a) 3. or (bn) or this subsection fulfills the requirements of this section.

(c) A principal may employ any reasonable method, acting in good faith, to record daily the information required under sub. (1)(c).

**(3) EXEMPT ACTIVITIES.** Lobbying expenditures made and obligations incurred for activities identified under s. 13.621 (1) (a) to (f) and (3) are not required to be reported under sub. (1), regardless of whether the principal or a lobbyist for the principal also engages in lobbying activities which are not identified in s. 13.621 (1) (a) to (f) and (3).

(4) **REPORTS BY LOBBYISTS.** A lobbyist whose activities and expenditures are required to be reported by a principal under sub. (1) shall provide to the principal information which the principal determines is needed to prepare the statement. The principal shall file a copy of the information, signed by the lobbyist under the penalty for making false statements provided in s. 13.69(6m), with the board at the time of filing the statement under sub. (1).

(5) **RECORDS.** Each principal and each lobbyist engaged by a principal shall obtain, organize and preserve all accounts, bills, receipts, books, papers and other documents necessary to substantiate the expense statement , including an account identifying the amount of time that a principal and each of its authorized lobbyists spend on lobbying each day, for 3 years after the date of filing the expense statement. A principal may permit its authorized lobbyist to maintain any of the records identified in this subsection on its behalf.

(6) **SUSPENSION OF LICENSE FOR FAILURE TO FILE A COMPLETE EXPENSE STATEMENT.** If a principal fails to timely file a complete expense statement under this section, the board may suspend the privilege of any lobbyist to lobby on behalf of the principal. Upon failure of a principal to file the required expense statement, the board shall mail written notices to the principal and to any lobbyist for whom a written authorization has been filed under s. 13.65 to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement within 10 business days after the date of mailing of the notices, no lobbyist may lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon filing the delinquent statement. The notices shall be sent by certified mail to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who is aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under s. 227.42 regarding the suspension.

**13.685 Duties of the ethics board.** (1) The board shall prescribe forms and instructions for preparing and filing license applications under s. 13.63 (1), registration applications under s. 13.64 and the statements required under ss. 13.68 and 13.695.

(2) The board shall prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons who are required to provide information under s. 13.68(4) or to file statements under s. 13.68 or 13.695.

(3) The board shall examine each statement filed under s.13.68.

(4) The board shall, by rule, define what constitutes a “topic” for purposes of ss. 13.67 and 13.68(1)(bn).

(7) Beginning with the 3rd Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the

duration of such session, the board shall, from its records, submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report of the names of lobbyists licensed under s. 13.63 and the names of officers and employees of agencies filed under s. 13.695 who were not previously reported, the names of the principals or agencies whom they represent and the general areas of legislative and administrative action which are the object of their lobbying activity. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. The board shall also notify the chief clerk of each house that a copy of each statement which is required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy shall be open to public inspection but shall not be incorporated in the journal unless the chief clerk so orders. The board shall include in its biennial report under s. 15.04 (1) (d), a summary of the statements it has received under ss. 13.68 and 13.695.

**13.69 Enforcement and penalties. (1)** Except as provided in sub. (2m), any principal violating ss. 13.61 to 13.68 or a rule of the board promulgated under those sections may be required to forfeit not more than \$5,000. In the case of a partnership, each of the partners is jointly and severally liable for any forfeiture imposed under this subsection.

**(2)** Any lobbyist violating ss. 13.61 to 13.68 or a rule of the board promulgated under such sections may be required to forfeit not more than \$1,000.

**(2m)** Any principal who fails to comply with s. 13.67(1) and who has not been found to have committed the same offense within the 3—year period preceding the date of the violation may be required to forfeit not more than \$25. Any principal who fails to comply with s. 13.67(1) a 2nd time within a period of 3 years from the date of the first violation may be required to forfeit not more than \$100 for the 2nd offense.

**(3)** Any lobbyist who falsifies information provided under s. 13.68(4) or any principal who files or any person who files or causes to be filed on behalf of any principal a falsified statement under s. 13.68 may be fined not more than \$1,000 or imprisoned in the county jail for not more than one year.

**(4)** Any lobbyist who procures his or her license by fraud or perjury or any person who acts as a lobbyist without being licensed may be required to forfeit not more than \$1,000 and shall not be eligible to be licensed as a lobbyist for the period of 3 years from the date of such conviction.

**(5)** Any officer or employee of an agency identified in a statement filed under s. 13.695 who violates s. 13.695(4) may be required to forfeit not more than \$1,000.

**(6)** Any candidate for an elective state office, elective state official, agency official or legislative employee of the state who, or any personal campaign committee which, violates s. 13.625 (3) may be required to forfeit not more than \$1,000.

**(6m)** Any principal, lobbyist or other individual acting on behalf of a principal who files a statement under s. 13.63(1), 13.64, 13.65, 13.67 or 13.68 which he or she does not believe to be true is guilty of a Class H felony.

**(7)** In addition to the penalties imposed for violation of ss. 13.61 to 13.68, the license of any lobbyist who is convicted of a violation may be revoked for a period not to exceed 3 years and a lobbyist who is convicted of a criminal violation is ineligible for licensure for a period of 5 years from the date of conviction.

**(8)** The attorney general, at the request of the board, may commence a civil action to require forfeitures and license revocations for any violation of this subchapter for which a civil penalty is applicable. The attorney general may, upon information, commence a criminal action for any violation of this subchapter for which a criminal penalty is applicable.

**13.695 Legislative activities of state agencies. (1)** Each agency shall file with the board on or before January 31 and July 31 a statement which identifies the officers and employees of the agency who are paid a salary and whose regular duties include attempting to influence legislative action. The statement shall be attested by the agency head or such person's designee. Each statement shall contain the following information, which shall be current to within 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

(a) The name of the agency filing the statement;

(b) The name, title and salary, which is paid by the state, of each officer or employee engaged in such legislative activity, the proportionate amount of time spent on legislative activity and the general area of legislative action which the officer or employee has attempted to influence.

**(2)** Any change in the name of an officer or employee or a general area of legislative action which is disclosed in a statement required under sub. (1) shall be reported in writing to the board within 10 days of the change.

**(3)** Any officer or employee of an agency who attempts to influence legislative action which affects the financial interests of such employee, other than a regular or periodic adjustment in salary, wages or other benefits paid by the state, shall disclose the nature of such interest to any member or employee of the legislature with whom such person has a direct communication concerning such legislation.

**(4)** No officer or employee of an agency who is identified in a statement filed under this section may engage in the prohibited practices set forth in s. 13.625 (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1) (b) or to make campaign contributions as defined in s. 11.01(6). This subsection does not prohibit an agency official who is identified in a statement filed under this section from authorizing salaries and other payments authorized by law to be paid to state officers, employees, consultants

or contractors or candidates for state office, or from authorizing property or services of the agency to be provided for official purposes or other purposes authorized by law, whenever that action is taken in the normal course of affairs.

**13.71 Lobbyists restricted during daily sessions.** It is unlawful for any person lobbying to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

**13.74 Auditing. (1)** The board shall cause to have made an examination of all statements which are required to be filed with it under this subchapter and may examine any of the documents used to develop such statements. The board shall make official note in the file of a principal of any error or other discrepancy which the board discovers. The board shall inform the person submitting the report of the error.

**(2)** In the discharge of its duties under this subchapter and upon notice to the party or parties being investigated, the board may subpoena and bring before it any person in the state and require the production of any papers, books or other records relevant to an investigation. A circuit court may by order permit the inspection and copying of the accounts and the depositor's and loan records at any financial institution as defined in s. 705.01 (3) doing business in the state to obtain evidence of any violation of this subchapter upon showing of probable cause to believe there is a violation and that such accounts and records may have a substantial relation to such violation. In the discharge of its duties, the board may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

**13.75 Fees.** The board shall charge and collect for the following purposes the following amounts:

**(1)** Obtaining a license under s. 13.63 (1), to act on behalf of one principal, \$250.

**(1m)** Obtaining a license under s. 13.63 (1) to act on behalf of 2 or more principals, \$400.

**(2)** Filing the principal registration form under s. 13.64, \$375.

**(3)** Filing a verified statement under s. 13.621(5), \$10.

**(4)** Filing an authorization statement under s. 13.65, \$125.

**(5)** Registering an interest in a legislative proposal, proposed administrative rule, budget bill subject or other topic under 13.67(2), \$10.

Wisconsin's  
**CODE OF ETHICS FOR PUBLIC OFFICIALS AND  
EMPLOYEES**

Subchapter III, Chapter 19, *Wisconsin Statutes*\*

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19.51	Probable cause of violation		

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**19.41 Declaration of policy.** (1) It is declared that high moral and ethical standards among state public officials and state employees are essential to the conduct of free government; that the legislature believes that a Code of Ethics for the guidance of state public officials and state employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this state in their state public officials and state employees.

(2) It is the intent of the legislature that in its operations the board shall protect to the fullest extent possible the rights of individuals affected.

**19.42 Definitions.** In this subchapter:

(1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(2) "Associated", when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate

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\* Current through 2003 Wisconsin Act 47 (August 25, 2003)

family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

**(3)** "Board" means the ethics board.

**(3m)** "Candidate," except as otherwise provided, has the meaning given in s. 11.01 (1).

**(3s)** "Candidate for local public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.05 (1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

**(4)** "Candidate for state public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05(1) for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

**(4g)** "Clearly identified," when used in reference to a communication containing a reference to a person, means one of the following:

(a) The person's name appears.

(b) A photograph or drawing of the person appears.

(c) The identity of the person is apparent by unambiguous reference.

**(4r)** "Communication" means a message transmitted by means of a printed advertisement, billboard, handbill, sample ballot, radio or television advertisement, telephone call, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

**(5)** "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14, or 15, any technical college district or any constitutional office other than a judicial office. In the case of a district attorney, "department" means the department of administration unless the context otherwise requires.

**(5m)** "Elective office" means an office regularly filled by vote of the people.

**(6)** "Gift" means the payment or receipt of anything of value without valuable consideration.

**(7)** "Immediate family" means:

(a) An individual's spouse; and



(b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

**(7m)** "Income" has the meaning given under section 61 of the internal revenue code.

**(7s)** "Internal revenue code" has the meanings given under s. 71.01(6).

**(7u)** "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

**(7w)** "Local public office" means any of the following offices, except an office specified in sub. (13):

(a) An elective office of a local governmental unit.

(b) A county administrator or administrative coordinator or a city or village manager.

(c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.

(d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

**(7x)** "Local public official" means an individual holding a local public office.

**(8)** "Ministerial action" means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

**(9)** "Nominee" means any individual who is nominated by the governor for appointment to a state public office and whose nomination requires the advice and consent of the senate.

**(10)** "Official required to file" means:

(a) A member of the elections board.

(b) A member of a technical college district board or district director of a technical college, or any individual occupying the position of assistant, associate or deputy district director of a technical college.

(c) A state public official identified under s. 20.923 except an official holding a state public office identified under s. 20.923(6)(h).

(d) A state public official whose appointment to state public office requires the advice and consent of the senate, except a member of the board of directors of the Bradley center sports and entertainment corporation created under ch. 232.

(e) An individual appointed by the governor or the state superintendent of public instruction pursuant to s. 17.20(2) other than a trustee of any private higher educational institution receiving state appropriations.

(f) An auditor of the legislative audit bureau.

(g) The chief clerk and sergeant at arms of each house of the legislature.

(h) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(i) A municipal judge.

(j) A member or the executive director of the judicial commission.

(k) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(L) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(m) The executive director, members and employees of the world dairy center authority, except clerical employees.

(n) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(o) The chief executive officer and manager of the board of directors of the Fox River Navigational System Authority.

(p) A member, the executive director, or the deputy director of the sentencing commission.

**(11)** "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

**(11m)** "Political party" means a political organization under whose name individuals who seek elective public office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

**(12)** "Security" has the meaning given under s. 551.02(13), except that the term does not include a certificate of deposit or a deposit in a savings and loan association, savings bank, credit union or similar association organized under the laws of any state.

**(13)** "State public office" means:

(a) All positions to which individuals are regularly appointed by the governor, except the position of trustee of any private higher educational institution receiving state appropriations and the position of member of the district board of a local professional baseball park district created under subch. III of ch. 229 and the position of member of the district board of a local cultural arts district created under subch. V of ch. 229.

(b) The positions of associate and assistant vice presidents of the university of Wisconsin system and vice chancellors identified in s. 20.923(5).

(c) All positions identified under s. 20.923(2), (4), (4g), (6)(f) to (h), (7), and (8) to (10), except clerical positions.

(e) The chief clerk and sergeant at arms of each house of the legislature or a full-time, permanent employee occupying the position of auditor for the legislative audit bureau.

(f) A member of a technical college district board or district director of a technical college, or any position designated as assistant, associate or deputy district director of a technical college.

(g) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(h) A municipal judge.

(i) A member or the executive director of the judicial commission.

(j) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(k) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(l) The members and employees of the World Dairy center authority.

(m) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(n) The chief executive officer and managers of the board of directors of the Fox River Navigational System Authority.

(o) The position of member, executive director, or deputy director of the sentencing commission.

**(14)** "State public official" means any individual holding a state public office.

**19.43 Financial disclosure. (1)** Each individual who in January of any year is an official required to file shall file with the board no later than April 30 of that year a statement of economic interests meeting each of the requirements of s. 19.44(1). The information contained on the statement shall be current as of December 31 of the preceding year.

**(2)** An official required to file shall file with the board a statement of economic interests meeting each of the requirements of s. 19.44(1) no later than 21 days following the date he or she assumes office if the official has not previously filed a statement of economic interests with the board during that year. The information on the statement shall be current as per the date he or she assumes office.

**(3)** A nominee shall file with the board a statement of economic interests meeting each of the requirements of s. 19.44(1) within 21 days of being nominated unless the nominee has previously filed a statement of economic interests with the board during that year. The information on the statement

shall be current as per the date he or she was nominated. Following the receipt of a nominee's statement of economic interests, the board shall forward copies of such statement to the members of the committee of the senate to which the nomination is referred.

(4) A candidate for state public office shall file with the board a statement of economic interests meeting each of the requirements of s. 19.44(1) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05(1)(j), 8.10(2)(a), 8.15(1) or 8.20(8)(a), no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35(2)(a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08(2)(a), the elections board, municipal clerk or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections board, municipal clerk or board of election commissioners may not certify the candidate's name for ballot placement.

(5) Each member of the investment board and each employee of the investment board who is a state public official shall complete and file with the ethics board a quarterly report of economic transactions no later than the last day of the month following the end of each calendar quarter during any portion of which he or she was a member or employee of the investment board. Such reports of economic transactions shall be in the form prescribed by the ethics board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by s. 19.44 if a statement of economic interests were being filed.

(7) If an official required to file fails to make a timely filing, the board shall promptly provide notice of the delinquency to the state treasurer, and to the chief executive of the department of which the official's office or position is a part, or, in the case of a district attorney, to the chief executive of that department and to the county clerk of each county served by the district attorney or in the case of a municipal judge to the clerk of the municipality of which the official's office is a part, or in the case of a justice, court of appeals judge or circuit judge, to the director of state courts. Upon such notification both the state treasurer and the department, municipality or director shall

withhold all payments for compensation, reimbursement of expenses and other obligations to the official until the board notifies the officers to whom notice of the delinquency was provided that the official has complied with this section.

*[(7) If an official required to file fails to make a timely filing, the board shall promptly provide notice of the delinquency to the ~~state treasurer~~ secretary of administration, and to the chief executive of the department of which the official's office or position is a part, or, in the case of a district attorney, to the chief executive of that department and to the county clerk of each county served by the district attorney or in the case of a municipal judge to the clerk of the municipality of which the official's office is a part, or in the case of a justice, court of appeals judge or circuit judge, to the director of state courts. Upon such notification both the ~~state treasurer~~ secretary of administration and the department, municipality or director shall withhold all payments for compensation, reimbursement of expenses and other obligations to the official until the board notifies the officers to whom notice of the delinquency was provided that the official has complied with this section.]*<sup>1</sup>

(8) On its own motion or at the request of any individual who is required to file a statement of economic interests, the board may extend the time for filing or waive any filing requirement if the board determines that the literal application of the filing requirements of this subchapter would work an unreasonable hardship on that individual or that the extension of the time for filing or waiver is in the public interest. The board shall set forth in writing as a matter of public record its reason for the extension or waiver.

**19.44 Form of statement. (1)** Every statement of economic interests which is required to be filed under this subchapter shall be in the form prescribed by the board, and shall contain the following information:

(a) The identity of every organization with which the individual required to file is associated and the nature of his or her association with the organization, except that no identification need be made of:

1. Any organization which is described in section 170(c) of the internal revenue code.
2. Any organization which is organized and operated primarily to influence voting at an election including support for or opposition to an individual's present or future candidacy or to a present or future referendum.
3. Any nonprofit organization which is formed exclusively for social purposes and any nonprofit community service organization.
4. A trust.

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<sup>1</sup> The italicized language becomes effective July 1, 2004, replacing the current 19.43(7). (2003 Wis Act 33, §9454(1)).

(b) The identity of every organization or body politic in which the individual who is required to file or that individual's immediate family, severally or in the aggregate, owns, directly or indirectly, securities having a value of \$5,000 or more, the identity of such securities and their approximate value, except that no identification need be made of a security or issuer of a security when it is issued by any organization not doing business in this state or by any government or instrumentality or agency thereof, or an authority or public corporation created and regulated by an act of such government, other than the state of Wisconsin, its instrumentalities, agencies and political subdivisions, or authorities or public corporations created and regulated by an act of the legislature.

(c) The name of any creditor to whom the individual who is required to file or such individual's immediate family, severally or in the aggregate, owes \$5,000 or more and the approximate amount owed.

(d) The real property located in this state in which the individual who is required to file or such individual's immediate family holds an interest, other than the principal residence of the individual or his or her immediate family, and the nature of the interest held. An individual's interest in real property does not include a proportional share of interests in real property if the individual's proportional share is less than 10% of the outstanding shares or is less than an equity value of \$5,000.

(e) The identity of each payer from which the individual who is required to file or a member of his or her immediate family received \$1,000 or more of his or her income for the preceding taxable year, except that if the individual who is required to file identifies the general nature of the business in which he or she or his or her immediate family is engaged, then no identification need be made of a decedent's estate or an individual, not acting as a representative of an organization, unless the individual is a lobbyist as defined in s. 13.62. In addition, no identification need be made of payers from which only dividends or interest, anything of pecuniary value reported under s. 19.56 or reportable under s. 19.57, or political contributions reported under ch. 11 were received.

(f) If the individual who is required to file or a member of his or her immediate family received \$1,000 or more of his or her income for the preceding taxable year from a partnership, limited liability company, corporation electing to be taxed as a partnership under subchapter S of the internal revenue code or service corporation under s. 180.1901 to 180.1921 in which the individual or a member of his or her immediate family, severally or in the aggregate, has a 10% or greater interest, the identity of each payer from which the organization received \$1,000 or more of its income for its preceding taxable year, except that if the individual who is required to file identifies the general nature of the business in which he or she or his or her immediate family is engaged then no identification need be made of a decedent's estate or an individual, not acting as a representative of an organization, unless the

individual is a lobbyist as defined in s. 13.62. In addition, no identification need be made of payers from which dividends or interest are received.

(g) The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$50 within the taxable year preceding the time of filing, except that the source of a gift need not be identified if the donation is permitted under s. 19.56(3)(e), (em) or (f) or if the donor is the donee's parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, fiance or fiancée.

(h) Lodging, transportation, money or other things of pecuniary value reportable under s. 19.56(2).

(2) Whenever a dollar amount is required to be reported pursuant to this section, it is sufficient to report whether the amount is not more than \$50,000, or more than \$50,000.

(3)(a) An individual is the owner of a trust and the trust's assets and obligations if he or she is the creator of the trust and has the power to revoke the trust without obtaining the consent of all of the beneficiaries of the trust.

(b) An individual who is eligible to receive income or other beneficial use of the principal of a trust is the owner of a proportional share of the principal in the proportion that the individual's beneficial interest in the trust bears to the total beneficial interests vested in all beneficiaries of the trust. A vested beneficial interest in a trust includes a vested reverter interest.

(4) Information which is required by this section shall be provided on the basis of the best knowledge, information and belief of the individual filing the statement.

**19.45 Standards of conduct; state public officials.** (1) The legislature hereby reaffirms that a state public official holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This subchapter does not prevent any state public official from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this state. The legislature further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as state public officials retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for state public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that state public officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity

of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this subchapter.

**(2)** No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by ch. 11.

**(3)** No person may offer or give to a state public official, directly or indirectly, and no state public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the state public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the state public official. This subsection does not prohibit a state public official from engaging in outside employment.

**(3m)** No state public official may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with s. 19.56(3).

**(4)** No state public official may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person if the information has not been communicated to the public or is not public information.

**(5)** No state public official may use or attempt to use the public position held by the public official to influence or gain unlawful benefits, advantages or privileges personally or for others.

**(6)** No state public official, member of a state public official's immediate family, nor any organization with which the state public official or a member of the official's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from state funds unless the state public official has first made written disclosure of the nature and extent of such relationship or interest to the board and to the department acting for the state in regard to such contract or lease. Any contract or lease entered into in violation of this subsection may be voided by the state in an action commenced within 3 years of the date on which the ethics board, or the department or officer acting for the state in regard to the allocation of state funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of s. 946.13.



**(7)(a)** No state public official who is identified in s. 20.923 may represent a person or organization for compensation before a department or any employee thereof, except:

1. In a contested case which involves a party other than the state with interests adverse to those represented by the state public official; or

2. At an open hearing at which a stenographic or other record is maintained; or

3. In a matter that involves only ministerial action by the department; or

4. In a matter before the department of revenue or tax appeals commission that involves the representation of a client in connection with a tax matter.

(b) This subsection does not apply to representation by a state public official acting in his or her official capacity.

**(8)** Except in the case where the state public office formerly held was that of a legislator, legislative employee under s. 20.923(6)(bp), (f), (g) or (h), chief clerk of a house of the legislature, sergeant at arms of a house of the legislature or a permanent employee occupying the position of auditor for the legislative audit bureau:

(a) No former state public official, for 12 months following the date on which he or she ceases to be a state public official, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the department with which he or she was associated as a state public official within 12 months prior to the date on which he or she ceased to be a state public official.

(b) No former state public official, for 12 months following the date on which he or she ceases to be a state public official, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a department in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former official's responsibility as a state public official within 12 months prior to the date on which he or she ceased to be a state public official.

(c) No former state public official may, for compensation, act on behalf of any party other than the state in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a state public official.

**(9)** The attorney general may not engage in the private practice of law during the period in which he or she holds that office. No justice of the supreme court and no judge of any court of record may engage in the private practice of law during the period in which he or she holds that office. No full-time district attorney may engage in the private practice of law during the

period in which he or she holds that office, except as authorized in s. 978.06(5).

**(10)** This section does not prohibit a legislator from making inquiries for information on behalf of a person or from representing a person before a department if he or she receives no compensation therefor beyond the salary and other compensation or reimbursement to which the legislator is entitled by law, except as authorized under sub. (7).

**(11)** The legislature recognizes that all state public officials and employees and all employees of the University of Wisconsin Hospitals and Clinics Authority should be guided by a code of ethics and thus:

(a) The administrator of the division of merit recruitment and selection in the office of state human resources management shall, with the board's advice, promulgate rules to implement a code of ethics for classified and unclassified state employees except state public officials subject to this subchapter, unclassified personnel in the university of Wisconsin system and officers and employees of the judicial branch.

(b) The board of regents of the university of Wisconsin system shall establish a code of ethics for unclassified personnel in that system who are not subject to this subchapter.

(c) The supreme court shall promulgate a code of judicial ethics for officers and employees of the judiciary and candidates for judicial office which shall include financial disclosure requirements. All justices and judges shall, in addition to complying with this subchapter, adhere to the code of judicial ethics.

(d) The board of directors of the University of Wisconsin Hospitals and Clinics Authority shall establish a code of ethics for employees of the authority who are not state public officials.

**(12)** No agency, as defined in s. 16.52(7), or officer or employee thereof may present any request, or knowingly utilize any interests outside the agency to present any request, to either house of the legislature or any member or committee thereof, for appropriations which exceed the amount requested by the agency in the agency's most recent request submitted under s. 16.42.

**(13)** No state public official or candidate for state public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified state public official holding an elective office or to a candidate for state public office.

**19.451 Discounts at certain stadiums.** No person serving in a national, state or local office, as defined in s. 5.02, may accept any discount on the price of admission or parking charged to members of the general public, including any discount on the use of a sky box or private luxury box, at a stadium that is exempt from general property taxes under s. 70.11 (36).

**19.46 Conflict of Interest Prohibited; Exception. (1)** Except in accordance with the board's advice under sub. (2) and except as otherwise provided in sub. (3), no state public official may:

(a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

(b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

**(2)** Any individual, either personally or on behalf of an organization or governmental body, may request of the board an advisory opinion regarding the propriety of any matter to which the person is or may become a party; and any appointing officer, with the consent of a prospective appointee, may request of the board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The board shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. The board's deliberations and actions upon such requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this subchapter or subch. III of ch. 13 when a person refers a matter to the board and abides by the board's advisory opinion, if the material facts are as stated in the opinion request. The board may authorize the executive director to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. No member or employee of the board may make public the identity of the individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

**(3)** This section does not prohibit a state public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a state public official from taking official action with respect to any proposal to modify state law or the state administrative code.

**19.47 Operation. (1)** The office of the board shall be in Madison, but the board may, after proper public notice and in compliance with subch. V, meet or exercise any or all of its powers at any other place in this state.

(2) The board shall appoint an executive director outside the classified service to serve at the pleasure of the board. The executive director shall appoint such other personnel as he or she requires to carry out the duties of the board. The executive director shall perform such duties as the board assigns to him or her in the administration of this subchapter and subch. III of ch. 13.

(3) All members and employees of the board shall file statements of economic interests with the board.

(4) Any action by the board, except an action relating to procedure of the board, requires the affirmative vote of 4 of its members.

(5) No later than September 1 of each year, the board shall submit a report concerning its actions in the preceding fiscal year to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172(2). Such report shall contain the names and duties of all individuals employed by the board and a summary of its determinations and advisory opinions. The board shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The board shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as it deems desirable.

(6) The joint committee on legislative organization shall be advisory to the board on all matters relating to operation of the board.

**19.48 Duties of the board.** The board shall:

(1) Promulgate rules necessary to carry out this subchapter and subch. III of ch. 13. The board shall give prompt notice of the contents of its rules to state public officials who will be affected thereby.

(2) Prescribe and make available forms for use under this subchapter and subch. III of ch. 13, including the forms specified in s. 13.685(1).

(3) Accept and file any information related to the purposes of this subchapter or subch. III of ch. 13 which is voluntarily supplied by any person in addition to the information required by this subchapter.

(4) Preserve the statements of economic interests filed with it for a period of 6 years from the date of receipt in such form, including microfilming or optical imaging or electronic formatting, as will facilitate document retention, except that:

(a) Upon the expiration of 3 years after an individual ceases to be a state public official the board shall, unless the former state public official otherwise requests, destroy any statement of economic interests filed by him or her and any copies thereof in its possession.

(b) Upon the expiration of 3 years after any election at which a candidate for state public office was not elected, the board shall destroy any statements of economic interests filed by him or her as a candidate for state public office and any copies thereof in the board's possession, unless the individual

continues to hold another position for which he or she is required to file a statement, or unless the individual otherwise requests.

(c) Upon the expiration of 3 years from the action of the senate upon a nomination for state public office at which the senate refused to consent to the appointment of the nominee, the board shall destroy any statements of economic interests filed by him or her as a nominee and any copies thereof in the board's possession, unless the individual continues to hold another position for which he or she is required to file a statement, or unless the nominee otherwise requests. This paragraph does not apply to any individual who is appointed to state public office under s. 17.20(2).

(5) Except as provided in s. 19.55(2)(c), make statements of economic interests filed with the board available for public inspection and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

(6) Compile and maintain an index to all statements of economic interests currently on file with the board to facilitate public access to such statements of economic interests.

(7) Prepare and publish special reports and technical studies to further the purposes of this subchapter and subch. III of ch. 13.

(8) Report the full name and address of any individual and the full name and address of any person represented by an individual seeking to copy or obtain information from a statement of economic interests in writing to the individual who filed it, as soon as possible.

(9) Administer programs to explain and interpret this subchapter and subch. III of ch. 13 for state public officials, and for elective state officials, candidates for state public office, legislative officials, agency officials, lobbyists, as defined in s. 13.62, local public officials, corporation counsels and attorneys for local governmental units. The programs shall provide advice regarding appropriate ethical and lobbying practices, with special emphasis on public interest lobbying. The board may delegate creation and implementation of any such program to a group representing the public interest. The board may charge a fee to participants in any such program.

(10) Compile and make available information filed with the board in ways designed to facilitate access to the information. The board may charge a fee to a person requesting information for compiling, disseminating or making available such information, except that the board shall not charge a fee for inspection at the board's office of any record otherwise open to public inspection under s. 19.35(1).

**19.49 Complaints. (1)** The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a verified complaint in writing which states the name of any person alleged to have committed a violation of this subchapter or subch. III of ch. 13 and which sets forth the particulars thereof. The board shall forward to the accused within

10 days a copy of the complaint and a general statement of the applicable statutes with respect to such verified complaint. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this subchapter or subch. III of ch. 13, it shall dismiss the complaint and notify the complainant and the accused. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this subchapter or subch. III of ch. 13, it may make an investigation with respect to any alleged violation. If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.

**(1m)** No complaint alleging a violation of s. 19.45 (13) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

**(2)** Any person to whom this subchapter or subch. III of ch. 13 may have application may request the board to make an investigation of his or her own conduct or of allegations made by other persons as to his or her conduct. Such a request shall be made in writing and shall set forth in detail the reasons therefor.

**(3)** Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this subchapter or subch. III of ch. 13, has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. Prior to invoking any power under s. 19.50, the board shall authorize an investigation by resolution, which shall state the nature and purpose of the investigation and the actions or activities to be investigated. Upon adoption of a resolution, the board shall notify each person who is the subject of the investigation pursuant to sub. (4). If the board, during the course of an investigation, finds probable cause to believe that a violation of this subchapter or subch. III of ch. 13, has occurred, it may:

(a) If no verified complaint has been filed, make upon its motion a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this subchapter or subch. III of ch. 13 and shall set forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint, a general statement of the applicable statutes with respect to such verified complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.

(b) If a verified complaint has been filed and the board finds probable cause to believe that a violation of this subchapter or subch. III of ch. 13, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include such violations. If the complaint

is so amended by the board, the board shall send a copy of the amendment to the person complained against within 48 hours.

(4) Upon adoption of a resolution authorizing an investigation under sub. (3), the board shall mail a copy of the resolution to each alleged violator together with a notice informing the alleged violator who is identified in the resolution, that the person is the subject of the investigation authorized by the resolution and a general statement of the applicable statutes with respect to such investigation. Service of the notice is complete upon mailing.

(5) (a) Except as provided in par. (b), no action may be taken on any complaint that is filed later than 3 years after a violation of this subchapter or subch. III of ch. 13 is alleged to have occurred.

(b) The period of limitation under par. (a) is tolled for a complaint alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such a complaint may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

**19.50 Investigations.** Pursuant to any investigation authorized under s. 19.49(3) or any hearing conducted under this subchapter or subch. III of ch. 13 the board has the power:

(1) To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this subchapter or subch. III of ch. 13 as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.

(2) To administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Notwithstanding s. 885.01(4), the issuance of a subpoena requires action by the board in accordance with s. 19.47(4).

(3) To order testimony to be taken by deposition before any individual who is designated by the board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. (2).

(4) To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

(5) To request and obtain from the department of revenue copies of state income or franchise tax returns and access to other appropriate information under s. 71.78(4) regarding all persons who are the subject of such investigation.

**19.51 Probable cause of violation.** (1) At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this subchapter or subch. III of ch. 13 has occurred. If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to

the party who made the complaint. If the board determines that there is probable cause for believing that a violation of this subchapter or subch. III of ch. 13 has been committed, its preliminary findings of fact and conclusions may contain:

(a) A recommendation for criminal prosecution which shall be referred to the district attorney in whose jurisdiction the alleged violation occurred or to the attorney general if the violation concerns the district attorney, and, if the district attorney fails to commence a prosecution within 30 days, to the attorney general, who may then commence a prosecution; or

(b) An order setting a date for hearing to determine whether a violation of this subchapter or subch. III of ch. 13 has occurred. The board shall serve the order upon the accused. A hearing ordered under this paragraph shall be commenced within 30 days after the date that it is ordered unless the accused petitions for and the board consents to a later date. Prior to any hearing ordered under this paragraph, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

(2) The board shall inform the accused or his or her counsel of exculpatory evidence in its possession.

(3) If the board makes a recommendation for criminal prosecution under sub. (1), the district attorney to whom the recommendation is made or the attorney general shall, within 30 days of the receipt of such recommendation, make a decision whether to prosecute the party charged. The board shall give written notice of any referral under this subsection to the accused. The district attorney or the attorney general shall give written notice of the decision to the accused, the complainant and the board.

**19.52 Hearing procedure.** (1) Every hearing or rehearing under this subchapter shall be conducted in accordance with the requirements of ch. 227, except as otherwise expressly provided. During any investigation and during any hearing which is conducted to determine whether a violation of this subchapter or subch. III of ch. 13 has occurred, the person under investigation or the accused may be represented by counsel of his or her own choosing and the accused or his or her representative, if any, shall have an opportunity to challenge the sufficiency of any complaint which has been filed against him or her, to examine all documents and records obtained or prepared by the board in connection with the matter heard, to bring witnesses, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses, and shall otherwise be able to exercise fully any pretrial discovery procedure usually available in civil actions. During any hearing conducted by the board to determine whether a violation of this subchapter or subch. III of ch. 13 has occurred, all evidence including certified copies of records which the board considers shall be fully offered and made a part of the record in the



proceedings. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the accused, the board shall issue subpoenas to compel the attendance of necessary witnesses.

(2) The board shall appoint a reserve judge to serve as hearing examiner. Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the board and who, in the opinion of the board, may be adversely affected thereby, may, upon request of the person or a representative of the person, or upon the request of any member of the board, appear at the hearing to testify on his or her own behalf or have a representative appear to so testify, and the board may permit any other person to appear and to testify at a hearing.

(3) Chapters 901 to 911 apply to the admission of evidence at the hearing. The board shall not find a violation of this subchapter or subch. III of ch. 13 except upon clear and convincing evidence admitted at the hearing.

(4) After the conclusion of the hearing the board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the accused has violated this subchapter or subch. III of ch. 13. The board shall not begin deliberations until after the proposed decision under s. 227.46(2) is served and opportunity is given for arguments.

**19.53 Findings of fact and conclusions; orders and recommendations.** If the board determines that no violation of this subchapter or subch. III of ch. 13 has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that a violation of this subchapter or subch. III of ch. 13 has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

(1) In the case of a state public official outside the classified service, a recommendation that the state public official be censured, suspended, or removed from office or employment. Such recommendation shall be made to the appropriate appointing authority who may censure, suspend, or take action to remove the official from office or employment.

(1m) In the case of a state public official in the classified service, a recommendation that the state public official be disciplined or discharged under s. 230.34(1). Such recommendation shall be made to the appropriate appointing authority.

(2) In the case of a legislator, a recommendation that the individual be censured, suspended, or removed from office. Such recommendation shall be made to the appropriate house.

(3) In the case of a justice or judge, a recommendation that the justice or judge be reprimanded, censured, suspended or removed from office. Such

recommendation shall be sent to the supreme court and the presiding officer of each house of the legislature.

(4) In the case of a state public official liable to impeachment, a recommendation that the official be removed from office. Such recommendation shall be referred to the assembly.

(5) An order requiring the accused to conform his or her conduct to this subchapter or subch. III of ch. 13.

(6) An order requiring the accused to forfeit not more than \$500 for each violation of s. 19.43, 19.44 or 19.56(2) or not more than \$5,000 for each violation of any other provision of this subchapter, or not more than the applicable amount specified in s. 13.69 for each violation of subch. III of ch. 13. If the board determines that the accused has realized economic gain as a result of the violation, the board may, in addition, order the accused to forfeit the amount gained as a result of the violation. In addition, if the board determines that a state public official has violated s. 19.45 (13), the board may order the official to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained. If the board determines that a state public official has violated s. 19.45 (13) and no political contribution, service, or other thing of value was obtained, the board may order the official to forfeit an amount equal to the maximum contribution authorized under s. 11.26 (1) for the office held or sought by the official, whichever amount is greater. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section or s. 19.545 which is not paid by the person against whom it is assessed.

(7) An order revoking the license of any lobbyist who violates ss. 13.61 to 13.68 for a period not to exceed 3 years.

(8) Such other recommendation or order as may be necessary and appropriate and is consistent with the intent and purposes of this subchapter or subch. III of ch. 13.

**19.535 Enforcement.** If the board receives a verified complaint alleging a violation of s. 19.45 (13), the board shall, within 30 days after receipt of the complaint, either authorize an investigation of the allegations contained in the complaint under s. 19.49 (3) or dismiss the complaint. If the board dismisses the complaint, with or without investigation, the board shall promptly notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general, the district attorney for the county where a violation is alleged to occur or the district attorney for a county that is adjacent to that county. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

**19.54 Rehearings.** (1) After the service upon the accused by the board of any decision under s. 19.53 containing an order or recommendation, the accused may apply to the board for a rehearing with respect to any matter determined in such decision as provided in s. 227.49.

(2) An application for rehearing is governed by such general rules as the board may establish. Only one rehearing may be granted by the board. No order of the board becomes effective until 20 days after it is issued, or while an application for rehearing or a rehearing is pending, or until 10 days after such application for rehearing is either denied, expressly or by implication, or the board has announced its final determination on rehearing.

**19.545 Settlements.** (1) The board may compromise and settle any action or potential action for a violation of this subchapter or subch. III of ch. 13 which the board is authorized to take under s. 19.53. Notwithstanding s. 778.06, an action may be settled for such sum as may be agreed upon between the board and the alleged violator.

(2) Whenever the board enters into a settlement agreement with an individual who is accused of a violation of this subchapter or subch. III of ch. 13 or who is investigated by the board for a possible violation of this subchapter or subch. III of ch. 13, the board shall reduce the agreement to writing, together with a statement of the board's findings and reasons for entering into the agreement and shall retain the agreement and statement in its office for inspection under 19.55(1).

**19.55 Public inspection of records.** (1) Except as provided in sub. (2), all records in the possession of the board are open to public inspection at all reasonable times. The board shall require an individual wishing to examine a statement of economic interests or the list of persons who inspect any statements which are in the board's possession to provide his or her full name and address, and if the individual is representing another person, the full name and address of the person which he or she represents. Such identification may be provided in writing or in person. The board shall record and retain for at least 3 years information obtained by it pursuant to this subsection. No individual may use a fictitious name or address or fail to identify a principal in making any request for inspection.

(2) The following records in the board's possession are not open for public inspection:

(a) Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions or organizations on whose behalf they are requested. The board may however, make such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or purports to make public the substance of or any portion of an advisory

opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the board in connection with the request for an advisory opinion.

(b) Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this subchapter or subch. III of ch. 13 has occurred. Whenever the board refers such investigation and hearing records to a district attorney or to the attorney general, they may be made public in the course of a prosecution initiated under this subchapter. The board shall also provide information from investigation and hearing records that pertains to the location of individuals and assets of individuals as requested under s. 49.22(2m) by the department of workforce development or by a county child support agency under s. 59.53(5).

(c) Statements of economic interests and reports of economic transactions which are filed with the ethics board by members or employees of the investment board, except that the ethics board shall refer statements and reports filed by such individuals to the legislative audit bureau for its review, and except that a statement of economic interests filed by a member or employee of the investment board who is also an official required to file shall be open to public inspection.

(d) Records of the social security number of any individual who files an application for licensure as a lobbyist under s. 13.63 or who registers as a principal under s. 13.64, except to the department of workforce development for purposes of administration of s. 49.22 or to the department of revenue for purposes of administration of s. 73.0301.

**19.56 Honorariums, fees and expenses. (1)** Every state public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret legislative, administrative, executive, or judicial processes and proposals and issues initiated by or affecting a department or the judicial branch.

**(2)(a)** Except as provided in par. (b), every official required to file who receives for a published work or for the presentation of a talk or participation in a meeting, any lodging, transportation, money or other thing with a combined pecuniary value exceeding \$50 excluding the value of food or beverage offered coincidentally with a talk or meeting shall, on his or her statement of economic interests, report the identity of every person from whom the official receives such lodging, transportation, money or other thing during his or her preceding taxable year, the circumstances under which it was received and the approximate value thereof.

(b) An official need not report on his or her statement of economic interests under par. (a) information pertaining to any lodging, transportation, money or other thing of pecuniary value which:

1. The official returns to the payor within 30 days of receipt;
2. Is paid to the official by a person identified on the official's statement of economic interests under s. 19.44(1)(e) or (f) as a source of income;
3. The official can show by clear and convincing evidence was unrelated to and did not arise from the recipient's holding or having held a public office and was made for a purpose unrelated to the purposes specified in sub. (1);
4. The official has previously reported to the board as a matter of public record;
5. Is paid by the department or municipality of which the official's state public office is a part, or, in the case of a district attorney, is paid by that department or a county which the district attorney serves, or, in the case of a justice or a judge of a court of record, is paid from the appropriations for operation of the state court system; or
6. Is made available to the official by the department of commerce or the department of tourism in accordance with sub. (3)(e), (em) or (f).

**(3) Notwithstanding s. 19.45:**

(a) A state public official may receive and retain reimbursement or payment of actual and reasonable expenses and an elected official may retain reasonable compensation, for a published work or for the presentation of a talk or participation in a meeting related to a topic specified in sub. (1) if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

(b) A state public official may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the official's use of the state's time, facilities, services or supplies not generally available to all citizens of this state and the official can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in sub. (1).

(c) A state public official may receive and retain from the state or on behalf of the state transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the official can show by clear and convincing evidence were incurred or received on behalf of the state of Wisconsin and primarily for the benefit of the state and not primarily for the private benefit of the official or any other person.

(d) A state public official may receive and retain from a political committee under ch. 11 transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of costs permitted and reported in accordance with ch. 11.

(e) A state public official who is an officer or employee of the department of commerce may solicit, receive and retain on behalf of the state anything of value for the purpose of any of the following:

1. The sponsorship by the department of commerce of a trip to a foreign country primarily to promote trade between that country and this state that the department of commerce can demonstrate through clear and convincing evidence is primarily for the benefit of this state.

2. Hosting individuals in order to promote business, economic development, tourism or conferences sponsored by multistate, national or international associations of governments or governmental officials.

(em) A state public official who is an officer or employee of the department of tourism may solicit, receive and retain on behalf of the state anything of value for the purpose of hosting individuals in order to promote tourism.

(f) A state public official may receive and retain from the department of commerce anything of value which the department of commerce is authorized to provide under par. (e) and may receive and retain from the department of tourism anything of value which the department of tourism is authorized to provide under par. (em).

**(4)** If a state public official receives a payment not authorized by this subchapter, in cash or otherwise, for a published work or a talk or meeting the official may not retain it. If practicable, the official shall deposit it with the department or municipality with which he or she is associated or, in the case of a justice or judge of a court of record, with the director of state courts. If that is not practicable, the official shall return it or its equivalent to the payor or convey it to the state or to a charitable organization other than one with which he or she is associated.

**19.57 Conferences, visits and economic development activities.** The department of commerce shall file a report with the board no later than April 30 annually, specifying the source and amount of anything of value received by the department of commerce during the preceding calendar year for a purpose specified in s. 19.56(3)(e), and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

**19.575 Tourism activities.** The department of tourism shall file a report with the board no later than April 30 annually, specifying the source and amount of anything of value received by the department of tourism during the preceding calendar year for a purpose specified in s. 19.56 (3) (em) and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

**15.579 Civil penalty.** Any person who violates s. 19.45 (13) may be required to forfeit not more than \$5,000.

**19.58 Criminal penalties.** (1) (a) Any person who intentionally violates any provision of this subchapter except s. 19.45 (13) or 19.59 (1) (br), or a code of ethics adopted or established under s. 19.45(11)(a) or (b) shall be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both.

(b) Any person who intentionally violates s. 19.45 (13) or 19.59 (1) (br) is guilty of a Class I felony.

(2) The penalties under sub. (1) do not limit the power of either house of the legislature to discipline its own members or to impeach a public official, or limit the power of a department to discipline its state public officials or employees.

(3) In this section "intentionally" has the meaning given under s. 939.23.

**19.59 Codes of ethics for local government officials, employees and candidates.** (1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. 11.

(b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

(br) No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

(c) Except as otherwise provided in par. (d), no local public official may:

1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(d) Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.

(f) Paragraphs (a) to (c) do not apply to the members of a local committee appointed under s. 289.33 (7) (a) to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under s. 289.33, with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in an arbitration award or proposed award that is applicable to those parties.

(g) 1. In this paragraph:

a. "District" means a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229.

b. "District board member" means a member of the district board of a district.

2. No district board member may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with this paragraph.

3. A district board member may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for the presentation of a talk or participation in a meeting related to processes, proposals and issues affecting a district if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

4. A district board member may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the member's use of the time, facilities, services or supplies of the district not generally available to all residents of the district and the member can show by clear convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subd. (3).

5. A district member may receive and retain from the district or on behalf of the district transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and



reasonable costs that the member can show by clear and convincing evidence were incurred or received on behalf of the district and primarily for the benefit of the district and not primarily for the private benefit of the member or any other person.

6. No district board member may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information.

7. No district board member may use or attempt to use the position held by the member to influence or gain unlawful benefits, advantages or privileges personally or for others.

8. No district board member, member of a district board member's immediate family, nor any organization with which the district board member or a member of the district board member's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from district funds unless the district board member has first made written disclosure of the nature and extent of such relationship or interest to the ethics board and to the district. Any contract or lease entered into in violation of this subdivision may be voided by the district in an action commenced within 3 years of the date on which the ethics board, or the district, knew or should have known that a violation of this subdivision had occurred. This subdivision does not affect the application of s. 946.13.

9. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the district with which he or she was associated as a district board member within 12 months prior to the date on which he or she ceased to be a district board member.

10. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former member's responsibility as a district board member within 12 months prior to the date on which he or she ceased to be a member.

11. No former district board member may, for compensation, act on behalf of any party other than the district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former member participated personally and substantially as a district board member.

**(1m)** In addition to the requirements of sub. (1), any county, city, village or town may enact an ordinance establishing a code of ethics for public officials and employees of the county or municipality and candidates for county or municipal elective offices.

**(2)** An ordinance enacted under this section shall specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies.

**(3)** An ordinance enacted under this section may contain any of the following provisions:

(a) A requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. 19.44.

(b) A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(c) A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(d) A provision vesting administration and civil enforcement of the ordinance with an ethics board appointed in a manner specified in the ordinance. A board created under this paragraph may issue subpoenas, administer oaths and investigate any violation of the ordinance on its own motion or upon complaint by any person. The ordinance may empower the board to issue opinions upon request. Records of the board's opinions, opinion requests and investigations of violations of the ordinance may be closed in whole or in part to public inspection if the ordinance so provides.

(e) Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality or on the part of former local public officials or former employees of the county or municipality.

(f) A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding \$1,000 for each offense. A minimum forfeiture not exceeding \$100 for each offense may also be prescribed.

**(4)** This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to

the extent that it has authority to regulate that conduct under the constitution or other laws.

**(5)** (a) Any individual, either personally or on behalf of an organization or governmental body, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The county or municipal ethics board or the county corporation counsel or attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. It is prima facie evidence of intent to comply with this section or any ordinance enacted under this section when a person refers a matter to a county or municipal ethics board or a county corporation counsel or attorney for a local government unit and abides by the advisory opinion, if the material facts are as stated in the opinion request. A county or municipal ethics board may authorize a county corporation counsel or attorney to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in par. (b), neither a county corporation counsel or attorney for a local governmental unit nor a member or agent of a county or municipal ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

(b) A county or municipal ethics board, county corporation counsel or attorney for a local governmental unit replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the county or municipal ethics board, the county corporation counsel or the attorney for the local governmental unit in connection with the request for an advisory opinion.

**(6)** Any county corporation counsel, attorney for a local governmental unit or statewide association of local governmental units may request the board to issue an opinion concerning the interpretation of this section. The board shall review such a request and may advise the person making the request.

(7) (a) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that the accused has violated sub. (1) (br), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

(b) Any person who violates sub. (1) may be required to forfeit not more than \$1,000 for each violation, and, if the court determines that a local public official has violated sub. (1) (br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. 11.26 (1) for the office held or sought by the official, whichever amount is greater.

(8) (a) Subsection (1) shall be enforced in the name and on behalf of the state by action of the district attorney of any county wherein a violation may occur, upon the verified complaint of any person.

(b) In addition and supplementary to the remedy provided in sub. (7), the district attorney may commence an action, separately or in conjunction with an action brought to obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(c) If the district attorney fails to commence an action to enforce sub. (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. (a) or (b), or both.

(cm) No complaint alleging a violation of sub. (1) (br) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney for the county in which a violation of sub. (1) (br) is alleged to occur receives a verified complaint alleging a violation of sub. (1) (br), the district attorney shall, within 30 days after receipt of the complaint, either commence an investigation of the allegations contained in the complaint or dismiss the complaint. If the district attorney dismisses the complaint, with or without investigation, the district attorney shall notify the complainant in writing. upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general or the district attorney for a county that is adjacent to the county in which the violation is alleged to occur. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

(d) If the district attorney prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the county wherein the violation occurs. If the attorney general prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the state.

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